

# Exhibit A

Page 1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

- - - - - +

THE SOUTH CAROLINA STATE CONFERENCE  
OF THE NAACP, et al.

Plaintiffs

Case No.

V.

3:21-CV-03302-JMC-

THOMAS C. ALEXANDER et al.

TJH-RMG

Defendants

- - - - - +

VIDEOCONFERENCE DEPOSITION OF WALLACE H. JORDAN

Columbia, South Carolina

Wednesday, April 13, 2022

10:03 a.m.

Reported by: Danielle E. Lawrence

1           The videoconference deposition of  
2       WALLACE H. JORDAN, was held in:

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4           Columbia, South Carolina

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          Pursuant to notice, telephonically before  
Danielle Lawrence, Shorthand Reporter and Notary Public  
in and for the State of Maryland.

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19

20 ALSO PRESENT: J. Lucas

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C O N T E N T S

EXAMINATION OF WALLACE H. JORDAN	PAGE
By Mr. Cusick	7

E X H I B I T S

(Attached to the transcript.)

WALLACE H. JORDAN	PAGE
Exhibit 1 House Defendants Responses to	47
Plaintiffs 1st Request for Documents	
Exhibit 2 House Defendants Responses to	48
Plaintiffs Interrogatories	
Exhibit 3 8-3-21 Meeting Proceedings	72
Exhibit 4 8-3-21 Guideline & Criteria	82
Exhibit 5 Duty to Comply in	124
S.C. Redistricting Process	
Exhibit 6 8-30-21 Follow-up Recommendations	124
In S.C. Redistricting Process	
Exhibit 7 9-27-21 Follow-up Recommendations	125
In S.C. Redistricting Process	
Exhibit 8 10-8-21 Submitting Proposed	126
Congressional and House Maps	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
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16  
17  
18  
19  
20  
21

**E X H I B I T S (cont.)**

**(Attached to the transcript.)**

<b>WALLACE H. JORDAN</b>	<b>PAGE</b>
<b>Exhibit 9 2021 Redistricting Map Room</b>	<b>138</b>
<b>Policies and Procedures</b>	
<b>Exhibit 10 2021 Working Draft Website Page</b>	<b>152</b>
<b>Exhibit 11 11-10-21 Hearing Transcript</b>	<b>154</b>
<b>Exhibit 12 11-16-21 Transcript of</b>	<b>194</b>
<b>Ad Hoc Committee</b>	
<b>Exhibit 13 11-16-21 Transcript of</b>	<b>198</b>
<b>House Judiciary Committee</b>	
<b>Exhibit 14 12-2-21 House of Representatives</b>	<b>205</b>
<b>Hearing</b>	

P R O C E E D I N G S

VIDEOGRAPHER: Good morning. We're going on the video record at 10:03 a.m. on Wednesday, April 13, 2022. This is media unit number 1 in the video-recorded deposition of Mr. Wallace H. Jordan, taken by counsel for Plaintiffs in the matter of the South Carolina State Conference of the NAACP, et al., versus Alexander C. Thomas, et al., filed in the United States District Court for the District of South Carolina, Columbia Division. Case number 3:21-CV-03302.

This deposition is being held via Zoom. My name's Eliza Spikes from the firm Veritext, and I'm the videographer. The court reporter today is Ms. Danielle Lawrence, also from Veritext. I am not authorized to administer the oath. I am not related to any party in this action, nor am I financially interested in the outcome. Counsel and all present in the room and anyone attending remotely will now state their appearances and affiliations for the record. If there are any objections to this proceeding, please state them at the time of your appearance, beginning



1 with the noticing attorney.

2 MR. CUSICK: Good morning, my name is  
3 John Cusick. I am with the NAACP Legal Defense and  
4 Educational Fund on behalf of Plaintiffs, and I'm joined  
5 by my colleague at LDF, Antonio Ingram, who also is on  
6 behalf of Plaintiffs.

7 MR. TYSON: Good morning, I'm Rob Tyson. I'm  
8 here today on behalf of the Senate, Defendants.

9 MR. BURCHSTEAD: Michael Burchstead on behalf of  
10 the State Election Commission.

11 MS. HOLLINGSWORTH: This is Jennifer  
12 Hollingsworth and with me is Erica Wells. We're here on  
13 behalf of the House Defendants representing -- this  
14 morning here in this deposition -- Representative  
15 Jordan. And also with us appearing and defending is  
16 Speaker Jay Lucas, a party in this case.

17 VIDEOGRAPHER: Thank you. Will the court  
18 reporter please swear in the witness.

19 Having been duly sworn, WALLACE H. JORDAN,  
20 testifies as follows:

21 EXAMINATION BY COUNSEL FOR PLAINTIFFS

1 BY MR. CUSICK:

2 Q. Good morning, Representative Jordan. As we just  
3 went around the room, my name is John Cusick, and I'm  
4 one of the Plaintiffs' attorneys in this action. For  
5 today's deposition, we'll begin by going over a few  
6 basic ground rules so that you and I are on the same  
7 page, and if you have any questions we can talk about  
8 those before we begin. As you've just heard, you're  
9 testifying under oath, which means you're testifying  
10 with the same duty to answer questions truthfully as  
11 though you were before a judge in a courtroom. Do you  
12 understand?

13 A. I do.

14 Q. A court reporter, Ms. Lawrence, is transcribing  
15 this deposition, and with that in mind, if you could  
16 please answer questions audibly or clearly and try to  
17 refrain from head nodding or shaking. Let me know if  
18 you don't understand a question or need me to repeat  
19 part of it. As Mr. Tyson knows, I've been known in  
20 these depositions -- I might not phrase something  
21 clearly, so feel free to ask me for clarification, but

1 if I ask a question and you begin answering it, I'll  
2 assume that you understood that question. Does that  
3 work for you, Representative Jordan?

4 A. Yes, sir.

5 Q. And you might hear -- the primary people talking  
6 today will be you and me, potentially the court reporter  
7 and the videographer, who may ask questions. And you  
8 might hear your counsel, Ms. Hollingsworth, object to a  
9 question. If so, the objection will be noted by the  
10 court reporter, Ms. Lawrence, but you must still provide  
11 an answer unless Ms. Hollingsworth instructs you not to.  
12 Do you understand?

13 A. I do.

14 Q. Is there any reason why you're unable to  
15 understand or answer any questions today?

16 A. I don't believe so.

17 Q. If at any time you'd like to take a break, just  
18 let us know. The only thing I'd ask is that if we're in  
19 the middle of a question or you're answering, if we  
20 could just finish that question before going on break,  
21 if that works?

1 A. That's fine.

2 Q. Who are you represented by today,  
3 Representative Jordan?

4 A. Jennifer Hollingsworth of Nexsen Pruet.

5 COURT REPORTER: I'm sorry, there's maybe a  
6 little echo. I didn't understood what you said after  
7 her name, I apologize.

8 THE WITNESS: Of Nexsen Pruet.

9 COURT REPORTER: Thanks.

10 BY MR. CUSICK:

11 Q. And in addition to Nexsen Pruet, and without  
12 going into any content of the discussions, have you  
13 sought legal advice from any other attorneys about this  
14 case?

15 A. I suppose I would put House attorneys, attorneys  
16 for the South Carolina House of Representatives, on that  
17 list. Actually, Dennis and Ms. Dean -- is technically  
18 attorney for the -- attorney of the House. I would at  
19 least list those two individuals as counsel.

20 COURT REPORTER: I apologize again. Is there  
21 any way we could put the speaker closer to him, because

1 I'm having a hard time understanding him?

2 MS. HOLLINGSWORTH: Not at the moment, but let  
3 me just try to turn things up a little and see if that  
4 helps, and if it doesn't, I'll get someone in here to  
5 get us an additional speaker.

6 COURT REPORTER: You can continue.

7 BY MR. CUSICK:

8 Q. Just so I think I heard you right, you said  
9 Mr. Dennis and Ms. Dean were the other two counsel that  
10 you have received advice from regarding this case?

11 A. Yes, I believe that's correct.

12 Q. And do you remember when you retained  
13 Nexsen Pruet for purposes of this litigation?

14 A. My first meeting with Nexsen Pruet was, if I  
15 remember correctly, in the spring or summer of 2021. I  
16 wasn't responsible for retaining Nexsen Pruet. That was  
17 just my first interaction.

18 Q. And without going into the content of any of  
19 those discussions, were they retained for the purpose of  
20 redistricting or, I guess, what was the purpose of the  
21 retention for that?

1 A. To assist in the process of redistricting.

2 Q. And this might be some repeat answers, but in  
3 addition to Nexsen Pruet, before the scope of this  
4 litigation and without going into the content, did you  
5 seek any legal advice from attorneys about redistricting  
6 in South Carolina?

7 A. I did not.

8 Q. I don't see anything in front of you,  
9 Representative Jordan, but I just have to ask the  
10 question, did you bring any materials with you today?

11 A. I did not.

12 Q. And now I want to talk just a little bit about  
13 how you prepared for today's deposition, what did you  
14 do?

15 A. I believe I had at least a couple of meetings  
16 with counsel.

17 Q. Do you remember when those meetings were?

18 A. One was earlier this week, and one was within  
19 the last several weeks. I also tried to refresh my  
20 memory by looking back at various pleadings related to  
21 the case just so I could hopefully be -- provide the

1 information you're asking.

2 Q. And, again, without going into the substance of  
3 any conversations, who was in the room with you for  
4 those conversations?

5 A. The first time, I believe, it was  
6 Ms. Hollingsworth. The second time, I believe it was  
7 Ms. Hollingsworth, Mr. Moore. I believe Mr. Dennis was  
8 in and out of the room.

9 Q. And aside from those three, were there any  
10 non-attorneys in the room?

11 A. I don't believe so.

12 Q. And did you discuss today's deposition with  
13 anyone else besides your counsel in this case?

14 A. I let my office know I was having my deposition  
15 taken, but I did not discuss the nuts and bolts of it.

16 Q. Yep. I know you mentioned you reviewed some of  
17 those documents in preparation for today. Do you recall  
18 generally what those might have been for pleadings in  
19 this case?

20 A. Various pleadings. I think the complaint and  
21 the answer, some discovery documents, things of that

1 nature.

2 Q. Are you aware that Representative Brawley has  
3 been deposed in this case?

4 A. I am.

5 Q. Did you review any portion of her transcript,  
6 her deposition transcript?

7 A. I did not.

8 Q. Outside of your conversations with counsel and  
9 the pleadings and documents reviewed, is there anything  
10 else you did to prepare for today's deposition?

11 A. I don't believe so.

12 Q. And now I want to turn a little bit to preview  
13 just the lawsuit itself. Representative Jordan, what's  
14 your understanding of this lawsuit?

15 A. The lawsuit was brought disputing the underlying  
16 action of redistricting.

17 Q. Do you understand what types of claims are being  
18 brought by Plaintiffs?

19 A. Yes -- well, I've read the claims, yes.

20 Understand is a moving target sometimes.

21 Q. And how would you describe your understanding of



1 the claims brought?

2 A. I think the broadest term would be to say I  
3 dispute the legality and the process as well as the  
4 product.

5 Q. Are you aware -- my apologies. Go ahead.

6 A. I was just going to say how we arrived, I  
7 believe, in the process of the lawsuit disputes, the --  
8 again, the underlying process by which we arrived at the  
9 necessary legislation and then the lividity or legality  
10 of the legislation itself.

11 Q. Is it your understanding that the lawsuit  
12 challenges all of the House districts or certain  
13 portions that were adopted in House Bill 4493?

14 A. I believe it's just a portion of the districts.

15 Q. And have you interacted at all with the South  
16 Carolina State Conference of the NAACP?

17 A. When you say interacted, what do you mean by  
18 that?

19 Q. Have you interacted with any members before in  
20 any of your work as a legislator?

21 A. Various members have attended different

1 subcommittee hearings that I've been in attendance at,  
2 is all. I would consider that interaction, I suppose.

3 Q. And, I guess, outside of the redistricting  
4 hearings, any other interactions with either local  
5 chapters or state conference members in your work as a  
6 legislator?

7 A. I can't tell you the specific bill numbers, but  
8 I believe there have been pieces of legislation over my  
9 time in the House in which some representatives from the  
10 organization have come to a hearing and testified or  
11 offered testimony, I believe. I believe that's  
12 occurred.

13 Q. Now, I just have a few more questions before I  
14 get into the meat of today's deposition. Have you been  
15 deposed before, Representative Jordan?

16 A. One time.

17 Q. And was that in your personal or professional  
18 capacity?

19 A. Sort of a mix. It was a -- it dealt with a  
20 business that myself and my father at one time had  
21 invested in that ultimately -- we didn't participate in

1 the business. We were one of many, many, many  
2 investors, and that business, I believe, went into  
3 bankruptcy, and then I testified and I testified on  
4 behalf of the trust. My father had passed away, and so  
5 it's holding in the trust, and I testified on behalf of  
6 myself as well as that trust in regards to that business  
7 lawsuit.

8 Q. I stayed far away from trust and estate and  
9 bankruptcy law, but is that a fair characterization of  
10 what the lawsuit entailed, bankruptcy or trust and  
11 estate?

12 A. Well, we were investors in a business that went  
13 into bankruptcy. Again, we were probably one of, I'm  
14 guessing, 50 to 100 investors that -- that business went  
15 into bankruptcy and then there were many, many, many  
16 depositions, to my understanding, connected to how you  
17 became an investor to what you knew about the business,  
18 et cetera. That's been several years ago.

19 Q. Did you -- did that case go to trial?

20 A. No, it did not.

21 Q. Have you ever been a party to any lawsuit?

1 A. I don't believe so.

2 Q. And have you ever testified in court before?

3 A. I've testified one time, if I can remember,  
4 regarding -- it was in a criminal trial years ago.

5 Q. I now want to talk just a little bit more about  
6 your background. Where were you born,  
7 Representative Jordan?

8 A. Florence, South Carolina.

9 Q. Is that where you grew up?

10 A. That's right.

11 Q. Where do you currently live?

12 A. Florence.

13 Q. Would it be safe to say you've been there your  
14 whole life?

15 A. Other than approximately eight years, I'm  
16 guessing, in Charleston, which I -- for college and law  
17 school, yes.

18 Q. That gets me to my next question, where did you  
19 go to college?

20 A. The College of Charleston.

21 Q. And I heard you mention law school, and you're

1 in Charleston. Where did you go to law school?

2 A. Charleston School of Law.

3 Q. Now, I'll talk a little bit more in a second  
4 about your employment history, but I first want to talk  
5 about your employment as an elected official in the  
6 House of Representatives. What district do you  
7 represent?

8 A. District 63.

9 Q. What political party are you a member of?

10 A. The Republican Party.

11 Q. Representative Jordan, when were you first  
12 elected to represent House District 63?

13 A. 2015.

14 Q. And how many terms have you served in that role?

15 A. I am currently in my fourth term.

16 Q. Did you have any opposition in, I assume, the  
17 Republican primaries in any of those elections?

18 A. My very first run for the House, I had a primary  
19 with two other individuals.

20 Q. And do you recall those individuals' names?

21 A. Mr. Robby Hill and Mr. Elijah Jones.

1 Q. And do you know if either of those individuals  
2 were candidates of color?

3 A. Sorry, please repeat that.

4 Q. Were either Mr. Hill -- I don't know -- Elijah,  
5 what was the last name?

6 A. Jones.

7 Q. Were any of them candidates of color?

8 A. They were not.

9 Q. And then, so for the other three -- my  
10 apologies. That was a -- sorry, there's -- I'm sure as  
11 some of you know, there was the shooting yesterday and  
12 we just -- there's some mass alert right now about -- an  
13 emergency alert here with the subways here, so I  
14 apologize for that. I think I was just asking the  
15 question, if I heard you right, in the other three most  
16 recent elections, would it be fair to say you ran  
17 unopposed in the primary?

18 A. That's correct.

19 Q. And in the general election, did you face any  
20 opposition in any of those four terms?

21 A. Yes, I believe in my second, third, and fourth

1 term I believe I had general opposition.

2 Q. Do you recall any of the candidates who ran  
3 against you?

4 A. I believe the last candidate was  
5 Mr. Isaac Wilson. Before that -- I see his face but I  
6 can't remember his name. Those are the two I can sort  
7 of remember, I guess.

8 Q. From your recollection, were any of those  
9 candidates in the general election candidates of color?

10 A. Mr. Wilson is of color.

11 Q. Representative Jordan, what's the current racial  
12 makeup of House District 63 after House Bill 4493  
13 passed?

14 A. I believe it's in the 26 -- 25 to -8 percentile,  
15 somewhere in that ballpark.

16 Q. And would that be the Black --

17 A. Less than 30.

18 Q. That's the Black population?

19 A. I believe that's correct.

20 Q. And was it roughly the same before the enactment  
21 of House Bill 4493?

1 A. I don't believe it changed much at all, if any.

2 Q. Are you up for reelection this year?

3 A. I am.

4 Q. Have you run for any other offices outside of  
5 House District 63?

6 A. I have.

7 Q. What offices?

8 A. In 2012, I ran unsuccessfully for the United  
9 States House of Representatives in the 7th Congressional  
10 District, and then this year, unsuccessfully, for the  
11 South Carolina Senate.

12 Q. And what congressional district would that have  
13 been at the time in 2012?

14 A. The 7th Congressional District.

15 Q. And what's the senate district that you recently  
16 ran for?

17 A. Senate District 31.

18 Q. That was a special election?

19 A. That's correct.

20 Q. Did you have any -- well, this is repetitive,  
21 but who was your opponent in the primary?



1 A. Mr. Mike Reichenbach.

2 Q. And do you know Mr. Reichenbach's race?

3 A. He is African American.

4 Q. Representative Jordan, do you hold any  
5 leadership roles in the House?

6 A. I am the chairman of the House Ethics Committee.

7 Q. Anything within any caucus or other membership?

8 A. Nothing within the caucus. I'm also the  
9 subcommittee chairman of the House Judiciary Election  
10 Law Subcommittee. So, nothing -- no technical  
11 leadership position within the caucus.

12 Q. Have you previously held any other roles or  
13 chairmanships earlier in your time?

14 A. No, no chairmanships other than those two.  
15 Well, excuse me, and the committee which brings us here,  
16 chairman of Judiciary and Ad Hoc Committee.

17 Q. And we'll talk about that in a moment.  
18 Representative Jordan, what do you consider legislative  
19 priorities for you and your district?

20 A. I've always believed in -- sort of the big  
21 things I've always pushed would be infrastructure,

1 education, economic development, those kind of things.

2 That's just some highlights, I mean, it's an

3 all-encompassing kind of -- priorities have to adapt to

4 the times and the needs of your community.

5 Q. As an elected official, do you have any concerns  
6 about racism in South Carolina?

7 A. Certainly I want South Carolina to combat that  
8 at every turn and to be known for a state that's against  
9 it.

10 Q. Have you sponsored any legislation to combat  
11 what you understand to be racism in South Carolina?

12 MS. HOLLINGSWORTH: Object to the form.

13 THE WITNESS: Sponsor -- my time in the House, I  
14 tend to see sponsorship as a -- I'd say it's more  
15 important what you vote on than what you sponsor. I  
16 don't recall that I've sponsored any particular  
17 legislation that falls in that category.

18 BY MR. CUSICK:

19 Q. I guess, have you voted for any bills that have  
20 combated what you understand to be racism in  
21 South Carolina?

1 A. Recently, the House passed a ACORN legislation  
2 becoming -- that legislation sits over the Senate, if I  
3 remember correctly; I voted in favor of that.

4 Q. Any other bills?

5 A. My first term in the House, we dealt with the  
6 removal of the Confederate flag from State House  
7 grounds. I voted in favor of that proposal. That  
8 certainly was seen by many as a racially charged  
9 situation.

10 Q. Why did you vote in favor of removing the  
11 Confederate flag from the State House Capitol?

12 A. Many reasons. We had just experienced in South  
13 Carolina the tremendous tragedy in Charleston of  
14 Emanuel; that really was just an awful time for South  
15 Carolina. I mean, people were hurting, and for so many  
16 people, having a Confederate flag on the State House  
17 grounds, that didn't do anything to help us turn the  
18 page and ill winds related to that tragedy. I'd say  
19 that was at the forefront of my personal decision.

20 Q. Representative Jordan, as an elected official,  
21 do you have any concerns about segregated schools in

1 South Carolina?

2 A. I'd think if you go back, certainly South  
3 Carolina hasn't gotten it perfect in that department  
4 back in history. But I think -- I certainly think we've  
5 improved in that department over the last few decades,  
6 for sure.

7 Q. And even with those improvements, do you still  
8 have any concerns about segregated schools in South  
9 Carolina?

10 A. When you say concerns, what do you mean by that?

11 Q. As an elected official, have you read or become  
12 aware of concerns voiced by members of the public about  
13 segregated schools?

14 A. I have not.

15 Q. As an elected official, are there any issues or  
16 have you heard of any issues that disproportionately  
17 impact Black South Carolinians?

18 A. I would need -- are you asking me to provide  
19 specifics or are you giving me --

20 Q. I'm just asking if you're aware of any or if  
21 there are any that you're concerned about?

1 A. I go back to an answer from prior in the  
2 deposition, I mean, certainly I want South Carolina to  
3 be a great place to live for every person in South  
4 Carolina regardless of race, sex, et cetera.

5 Q. Are you aware of any issues that have been  
6 voiced about policies that impact, disproportionately  
7 impact, Black South Carolinians?

8 A. I've heard testimony over the last couple years  
9 as South Carolina has engaged in -- at least as the  
10 Judiciary Committee engaged in various pieces of  
11 legislation concerns in various subcommittee hearings.

12 Q. And what are some of those concerns?

13 A. I remember during our debate of reforming  
14 election laws in South Carolina, some of the concerns  
15 were brought to the attention of the committee.

16 Q. I think I heard you say election laws, is that  
17 right?

18 A. Yes, that's just a bill that we dealt with or a  
19 piece of legislation we dealt with in the last couple of  
20 years in the House, or at least in the  
21 Judiciary Committee, that I remember that I believe

1 there was testimony in that regard. I don't remember  
2 the specifics, I just remember, you know.

3 Q. And is there anything else outside of that from  
4 your memory?

5 A. Again, during the course of a legislative  
6 session, you go through so many different pieces of  
7 legislation, it's hard to pull any particular item out  
8 and say specifics from each one or a particular one.

9 Q. Representative Jordan, are you aware of any  
10 history of discrimination against Black South  
11 Carolinians?

12 A. In South Carolina's history, yes. I've taken  
13 South Carolina history and certainly agree it existed in  
14 the past.

15 Q. What about in the voting context?

16 A. Certainly, if you go far enough back in history,  
17 things such as -- I believe laws existed in the past  
18 that were racially motivated.

19 Q. What time periods are you referring to?

20 A. Pre-segregation era.

21 Q. What do you consider pre-segregation era?

1 A. If you go back to South Carolina, Brown versus  
2 Board of Education, and some of those era issues and  
3 lawsuits.

4 Q. And what is your understanding of when those  
5 cases were brought for time period purposes?

6 A. That would have been in the -- I guess, in the  
7 1950s and perhaps early '60s.

8 Q. And do you have any understanding of a history  
9 of discrimination against South Carolinians in the  
10 voting context after the 1950s?

11 A. Again, I should have brushed up on my history  
12 before today, but I don't have it off the top of my head  
13 specifically.

14 Q. Are you aware that any of it exists, without  
15 knowing the details?

16 A. I'm not aware of any -- I'm not aware of any in  
17 recent history.

18 Q. What do you define as recent history?

19 A. Since I've been involved in politics.

20 Q. So that would be -- would that be when you first  
21 ran in 2012 or since you've been elected in 2015?

1 A. Since -- I wasn't aware of any in 2012 and  
2 nothing forward.

3 Q. Does the history of discrimination that we  
4 talked about in the 1950s at all inform how you assess  
5 bills today?

6 A. I try and approach every piece of -- every bill,  
7 every piece of legislation as if -- how does it impact  
8 the people of Florence and the people of South Carolina  
9 regardless of, again, race, as well as other such  
10 criteria.

11 Q. Does history -- does any history inform your  
12 assessment of bills?

13 MS. HOLLINGSWORTH: Object to the form.

14 THE WITNESS: I mean, certainly history, for  
15 lack of a better description, it's how we got to where  
16 we are, so it affects and impacts how we got here and  
17 where we're going, so to speak, so in that respect, yes.  
18 But specifically talking about legislation, I'd have to  
19 have a specific piece of legislation to tell you if it  
20 impacted and if so, how.

21 BY MR. CUSICK:



1 Q. In the voting context, do you consider any  
2 history of discrimination?

3 A. No, I think the best way to look in the voting  
4 context is, you know, are we providing access to  
5 everyone, and so I suppose it does impact in that  
6 respect, looking back at our history from many, many  
7 years ago. But I'd say practically and specifically,  
8 we're worried about making sure everyone has the  
9 opportunity to participate in the process.

10 Q. When you consider legislation, do you ever  
11 consider its impact on racial minority groups?

12 A. I'd say, again, I try and consider it for the  
13 people of Florence and, in the broader picture, the  
14 people of South Carolina, and obviously racial minority  
15 groups are including in those instances so, yes.

16 Q. Have you conducted -- I guess, do you have any  
17 examples of times when you've studied or analyzed the  
18 potential impact of a bill on a racial minority group?

19 A. Again, if you can provide me a specific piece of  
20 legislation I can tell you with clarity, but reaching  
21 back into the history of four terms in seven years, it's

1 a little more difficult.

2 Q. Well, I guess, is there any recollection where  
3 you've asked for a study about how a bill might impact a  
4 protected class or a racial minority group?

5 A. I don't think during my time in the House I've  
6 asked for a study committee or anything like that, in  
7 any piece of legislation. I know we routinely do that  
8 and I've, I'm sure, voted for that during the course of,  
9 again, seven years and four terms.

10 Q. Is the term racial equity impact assessment, is  
11 that familiar to you?

12 A. I've heard that term but not many times.

13 Q. Are you aware of any of those reports being  
14 asked for on voting bills that you've considered  
15 recently?

16 A. I am not. That's not to say that it didn't  
17 occur or wasn't, I just don't recall.

18 Q. I know you mentioned that for the Black  
19 population within Florence that you represent, when  
20 you're considering bills as your general practice, is  
21 there anything in particular where you seek out input or

1 guidance from Black community members on voting bills  
2 within your district?

3 A. Most of the time I've found that your  
4 constituents come to you. You don't have to seek out a  
5 whole lot. They tend to let their voices be heard  
6 either through phone, in person, or e-mail during the  
7 course of whatever the issue is. And, yes, I have  
8 received input from all sorts of folks during the course  
9 of my time as representative.

10 Q. Have you reviewed any of the expert reports in  
11 this case?

12 A. I have not.

13 Q. Do you know who Dr. J. David Woodard is?

14 A. I do not.

15 Q. Do you know who Sean Trende is?

16 A. I do not.

17 Q. I might know the answer to this, but what about  
18 Thomas Brunell?

19 A. I believe I've -- I've never met Mr. Brunell.  
20 I've never talked to Mr. Brunell, but I believe he's the  
21 defense expert.

1 COURT REPORTER: I'm sorry, he's the what?

2 THE WITNESS: I believe he's the expert for the  
3 defense.

4 BY MR. CUSICK:

5 Q. In your work as a legislator in South Carolina,  
6 are you familiar with the term cultural tradition?

7 A. I'm aware of cultural traditions. I don't know  
8 that I've ever heard it put in the -- I'm aware of  
9 cultural traditions.

10 Q. And how would you define cultural tradition?

11 A. I think it varies from culture to culture. I  
12 can give you an example: I'm a Baptist and we're going  
13 to have communion. That, in my mind, is something of a  
14 cultural tradition. We're going to have that this  
15 evening, it's Holy Week. So it's just an example in my  
16 mind of a cultural tradition.

17 Q. And how do cultural traditions or how did it  
18 impact redistricting, from your perspective?

19 A. I'd say that was best seen during the course of  
20 the Ad Hoc Committee public hearing process across the  
21 state, which we had many, many, many South Carolinians

1     come forward and testify. Many testified about  
2     communities of interest, and contained within  
3     communities of interest are cultural traditions, I found  
4     to be the case many times. So, I'd say it probably best  
5     demonstrated itself in that process.

6     Q.       And staying within the redistricting context,  
7     what does the term political culture mean for you within  
8     the redistricting context?

9     A.       Political culture, I would suppose I'd define as  
10    more along the lines of the process of redistricting, of  
11    getting it through the political process of having it  
12    approved by the House and Senate and governor.

13    Q.       This is my last question on culture. Is the  
14    term civil culture at all familiar to you in the  
15    redistricting context?

16    A.       In the redistricting context, I would probably  
17    apply that in terms of, again, connecting it back to  
18    those public hearings of individuals coming and  
19    testifying --

20    Q.       I don't know if it was just for me. Did it cut  
21    out at all for anyone else?

1 A. You blinked for a second.

2 Q. Can you hear me now?

3 A. Yes.

4 Q. Representative Jordan, are you familiar with  
5 statements that race and political affiliation are  
6 correlated in South Carolina?

7 A. You say statements. Just the concept, to see  
8 we're connected?

9 Q. Yes, race or party or race and political  
10 affiliation.

11 A. I've heard that, seen -- you know, every  
12 election season, you see different polls in the  
13 newspapers and things like that, so to that extent, yes.

14 Q. What do you understand that to mean, that race  
15 and party are correlated in South Carolina?

16 A. That if you were to statistically analyze the  
17 party structure, there's going to be a higher percentage  
18 -- it's going to have a percentage connection to parties  
19 as far as that goes.

20 Q. Do you, as an elected official, believe that  
21 race and party are highly correlated in South Carolina?

1 A. You say correlated, I don't think that one  
2 begets the other, but I would say there is a statistical  
3 connection, yes.

4 Q. Do you have any understanding why that might be  
5 to the connection you referenced?

6 A. I don't think that has changed in my ten years,  
7 so I can't really give you much by way of background as  
8 to -- so, the answer's no.

9 Q. Do you know whether the majority of registered  
10 voters in South Carolina are Democrats or Republicans?

11 A. I believe the majority of registered voters in  
12 South Carolina are both.

13 Q. Do you have any understanding whether White  
14 Democrats in the state tend to vote along party lines?

15 A. I do not know the answer to that.

16 Q. Do you know what racially polarized voting is?

17 A. I've heard the term, but I'm not an expert  
18 enough to give you a textbook definition.

19 Q. Is there any way, from what you have heard, how  
20 you would describe it?

21 A. It would be pure speculation on my part.

1 Q. If I explained it that Black voters tend to vote  
2 as a block for a particular candidate and White voters  
3 tend to vote as a block for another candidate, would  
4 that at all help you understand the term?

5 A. That would make sense, but I'm basing that  
6 partially on your line of questioning as well.

7 Q. Fair enough. So, then, I guess -- I don't know  
8 if you'd be able to answer this question -- but do you  
9 have any reason or basis to believe that racially  
10 polarized voting exists in South Carolina?

11 A. Again, if you go back to the statistics I was  
12 referencing a moment ago that I, again, don't have in  
13 front of me, polarized is a big word, but I think you  
14 can legitimately make the connection.

15 Q. During the redistricting process, did you ever  
16 seek out, or the Redistricting Committee -- any  
17 assessments of racially polarized voting?

18 A. I would say it was important to me and I would  
19 assume leadership, based on the structure of the  
20 committee, that we had a good cross section of the House  
21 Representatives down in South Carolina. What I mean by



1 that is, that it be individuals from different parts of  
2 the state but also different individuals with different  
3 backgrounds. And then looking at the committee, I would  
4 say it was important that we had voices from all  
5 different aspects of race, sex, geography, political  
6 party. So in that context, absolutely.

7 Q. So, would it be fair to say racially polarized  
8 voting mattered in the composition of the Redistricting  
9 Committee?

10 A. Repeat that question.

11 Q. Would it be fair to say that racially polarized  
12 voting mattered in terms of the membership or  
13 composition of the Redistricting Committee?

14 A. I don't know if I would word it exactly like  
15 that. I would say that, again, it was important that we  
16 got a broad cross section of people to participate in  
17 the process and having the perspective of, again,  
18 different folks from different geography, party, race,  
19 sex. All those things were part of that.

20 Q. And outside of the points you mentioned about  
21 participation and viewpoint, was there any other basis

1 that racially polarized voting mattered to your work on  
2 the Redistricting Committee?

3 A. I would also point you back again to the public  
4 hearings across the state, and we heard testimony from  
5 individuals, I believe, from different groups, including  
6 the NAACP, that spoke up on that particular concern and  
7 we listened and -- or at least I listened -- and took  
8 heed that we needed to -- going back to my overarching  
9 idea -- we needed to hear from everyone and take into  
10 consideration what we were told.

11 Q. Based on that testimony, do you recall any  
12 requests to conduct a racially polarized voting analysis  
13 from members of the public?

14 A. I don't recall, but that doesn't mean that it  
15 didn't happen. I just don't recall. Again, that was --  
16 sometime back, now, it definitely factored into the  
17 process, but it was some time back, and it was over ten  
18 different stops across the entire state of South  
19 Carolina.

20 Q. And my last line of questions about your  
21 employment that is liking taking you from what you would

1 otherwise be doing today, outside of your work as a  
2 House of Representatives member, where else are you  
3 employed?

4 A. I'm a solo practitioner attorney in Florence.

5 Q. How long have you been a solo practitioner?

6 A. I've been on my own for, I'm guessing, 12 years.

7 Q. And was there anything before that?

8 A. I practiced with another lawyer. We practiced  
9 together for I think two and a half, three years and  
10 then he left to take a judicial position, so since that  
11 time.

12 Q. Are you a member of any community groups in  
13 Florence?

14 A. I am. I'm a member of the Florence Rotary Club,  
15 I'm a member of Florence Baptist Temple, I'm a member of  
16 the Florence Country Club. I believe that's it.

17 Q. Do you sit on any boards of organizations?

18 A. Well, let me back up. You mean in the context  
19 of my position as a representative or just separate from  
20 that?

21 Q. I was thinking, I guess, both would be covered.

1 I was initially thinking in your personal capacity, but  
2 if you do sit on boards as an elected official outside  
3 of committees then, you know, that would be included in  
4 the question, then.

5 A. In my personal capacity, I used to, but since  
6 becoming a representative, that sort of made that a  
7 little more difficult. In my -- now in my  
8 representative capacity, I'm also a member of the  
9 Indigent Defense Commission here in South Carolina. I'm  
10 the Judiciary appointee to that commission.

11 Q. You referenced -- what was the organization that  
12 you referenced would be difficult to maintain as an  
13 elected official, where you served?

14 A. I was a member of various groups: Family  
15 Promise of Florence organization that dealt with  
16 homelessness.

17 Q. I see on your personal page for the House of  
18 Representatives you list your address; is that right?

19 A. Yes.

20 Q. Is it common for other members to list their  
21 personal addresses on their web page?

1 A. Well, I don't have that in front of me. Does  
2 that have my personal address on that? I haven't looked  
3 at that in quite some time.

4 Q. It might need to be updated, but it's 1338 Lazar  
5 Place?

6 A. Yes, that's my personal address.

7 Q. Do you know how many other members include their  
8 personal addresses?

9 A. I do not.

10 Q. I know there were discussions about incumbency  
11 during the redistricting process. Was there any attempt  
12 to provide addresses for all 124 current House of  
13 Representatives publicly so that people would know where  
14 to include those addresses in the maps they drew?

15 A. I'm not aware of that.

16 Q. And I apologize for having to ask this last  
17 question, but now that we're in a social media age, I  
18 think I found your social media account on Twitter. Is  
19 that -- what's the handle for that?

20 A. So, I know it exists but I couldn't pull it up  
21 or find it if you asked me to. I believe it's Jordan

1 for South Carolina or Jordan for SC, something along  
2 those lines.

3 Q. That's the one I found. Is there any others  
4 outside of that affiliated with you as an elected  
5 official?

6 A. I think there's a Facebook page, if I remember  
7 correctly.

8 Q. And do you use either of those accounts to  
9 publicize work around redistricting?

10 A. I don't recall. I might have mentioned public  
11 hearings but that's, again, that's pure speculation,  
12 looking back. I'm not the most technically  
13 sophisticated and that translates into social media.

14 Q. Fair enough. My daughter talks about all these  
15 different apps every day and I feel older each and every  
16 day. I'll now -- I think we'll finally get to now more  
17 questions directly related to this litigation. If  
18 you'll give me a moment, I'm about to try to upload an  
19 exhibit that is titled, House Defendants James H. Lucas,  
20 Chris Murphy, and Wallace H. Jordan's Response to  
21 Plaintiffs' First Request for Production as Plaintiffs'

1 Exhibit 1 into Exhibit Share, though I think I might  
2 have --

3 A. Well, before we do that, would it be a  
4 reasonable time to take a break?

5 Q. Yes, I'll figure it out on Veritext to get those  
6 uploaded and you want to come back at 11:05?

7 A. Five minutes, yeah, that's perfect.

8 Q. Or if you want 10, it's totally up to you?

9 A. No, I've had too much water and coffee.

10 Q. Sounds good. We'll go off the record, then.

11 A. Thank you.

12 VIDEOGRAPHER: Off the record at 10:58 a.m.

13 (Short recess was taken.)

14 VIDEOGRAPHER: This is the beginning of media  
15 unit number 2. Back on the video record at 11:08 a.m.

16 BY MR. CUSICK:

17 Q. Representative Jordan, I went ahead and marked  
18 what is titled as House Defendants James H. Lucas, Chris  
19 Murphy, and Wallace H. Jordan's Response to Plaintiffs'  
20 First Request for Production of Documents as Plaintiff  
21 Exhibit 1, which hopefully now should be in front of

1 you. It's the second actual document listed, beginning  
2 with Exhibit 001. Let me know if you're able to see  
3 that document.

4 A. Yes, I have that document in front of me.

5 (Exhibit 1 marked for identification and  
6 attached to the transcript.)

7 Q. And I'm happy to give you a moment to just look  
8 at it, but I'm wondering if you recognize this document?

9 A. I have seen this document before, yes.

10 Q. Did you review this document or provide any  
11 input into it, without going into the actual content or  
12 discussion?

13 A. I believe to some degree, yes. Not in depth but  
14 just to a slight degree, yes.

15 Q. And I'll just refer to this for shorthand as  
16 Plaintiffs' request for production, if that's okay with  
17 you?

18 A. Sure.

19 Q. Do you plan at all on supplementing or changing  
20 any of your answers in this document?

21 A. Not to my knowledge.



1 Q. Now, I'll do a similar set of questions for what  
2 I've marked as House Defendants James H. Lucas, Chris  
3 Murphy, and Wallace H. Jordan's Response to Plaintiffs'  
4 First Request for Interrogatories, which is marked as  
5 Plaintiffs' Exhibit 2 and is the third document right  
6 now within Exhibit Share. Let me know if you see that  
7 document and are able to pull it up.

8 A. I don't have that document in front of me, but I  
9 think we can access it pretty easily.

10 (Exhibit 2 marked for identification and  
11 attached to the transcript.)

12 Q. Yeah, you also might need to -- I think in other  
13 depositions -- refresh the screen and it might pop up.

14 A. So, yes, I can go back and forth between the two  
15 documents.

16 Q. Yes. And now -- so that Plaintiff Exhibit 2,  
17 which I'll maybe refer to as shorthand as Plaintiffs'  
18 interrogatories -- do you recognize this document?

19 A. I do recognize this document.

20 Q. And, like I asked before, did you provide any  
21 input into it, again without going into the substance of

1 the content of those discussions?

2 A. I would say some, yes.

3 Q. Do you plan on supplementing or changing any of  
4 these answers or responses?

5 A. I do not believe so.

6 Q. Were you asked by your counsel -- and my next  
7 set of questions won't refer to either of these  
8 documents per se but, you know, feel free to bring them  
9 up if they're helpful -- were you asked at all by your  
10 counsel to produce documents related to this case?

11 A. I don't believe so.

12 Q. Did you produce any documents related to this  
13 litigation?

14 A. When you say -- you're referring to me  
15 personally?

16 Q. To the extent it overlaps with your  
17 redistricting work as a elected official.

18 A. Not that I recall.

19 Q. For your redistricting work, what e-mail  
20 accounts did you use?

21 A. So, two e-mail accounts, I would guess. First

1 would be the House, my House e-mail account, and then  
2 secondly, I have a personal e-mail account that  
3 sometimes staff will copy on it for purposes of  
4 scheduling and things like that to make sure I show up  
5 where I'm supposed to. It's my law firm personal  
6 account.

7 Q. Is that e-mail wallacejordan2@gmail.com?

8 A. Yes.

9 Q. So, no other e-mails outside of your House and  
10 that Gmail one that were used to discuss redistricting?

11 A. That's correct.

12 Q. And who is Linda Anderson?

13 A. Linda Anderson is the former -- I'm trying to  
14 think of her technical title -- she essentially ran the  
15 Judiciary Committee administratively.

16 Q. Would that mean like scheduling purposes and  
17 those types of tasks?

18 A. That's correct.

19 Q. Would you say one of these e-mails is your  
20 primary one as a legislator?

21 A. Probably my House account. The .gov account

1 would be the primary method of -- that's where  
2 constituents reach out to and things like that.

3 Q. And why might you use your personal e-mail  
4 account for work within the scope of legislation or the  
5 legislative process?

6 A. Scheduling and things like that, just to make  
7 sure that, again, I show up where I'm supposed to when  
8 I'm supposed to, so it tends to help that my paralegal  
9 occasionally checks that e-mail to verify I'm not  
10 missing anything.

11 Q. And so, it'd be fair to say just for scheduling,  
12 then?

13 A. I'm sure there are sometimes things, you know --  
14 I'd say primarily for scheduling.

15 Q. Do you recall any non-scheduling e-mail  
16 exchanges on your Gmail account related to  
17 redistricting?

18 A. I don't recall any. Not to say it didn't  
19 happen, but I don't recall any.

20 Q. Have you gone back at all to review if there are  
21 any e-mails related to redistricting on your Gmail?

1 A. I did go back and did a simple search of terms  
2 like redistricting, reapportionment, things like that,  
3 to see if there was anything that existed, and I didn't  
4 find any.

5 Q. When did you conduct that search?

6 A. It's been several weeks. In the last 30 days, I  
7 would guess, around that ballpark.

8 Q. I heard the terms redistricting and  
9 reapportionment. Were there any other search terms that  
10 you recall you used?

11 A. There might of been one or two more, but I don't  
12 remember them off the top of my head.

13 Q. Do you have a work cell phone as an elected  
14 official?

15 A. I do not.

16 Q. I guess, then, do elected officials use their  
17 personal phone or business phone, then, for cell phone  
18 use?

19 A. I do. I can only assume. We're not issued -- I  
20 mean, we have -- we're issued a workstation at the State  
21 House, a computer or a desktop, but other than that, I

1 don't think we're issued any type of device. So,  
2 therefore, practically speaking, my phone is my only  
3 phone.

4 COURT REPORTER: Ms. Hollingsworth, did you say  
5 anything?

6 MS. HOLLINGSWORTH: I objected to the form of  
7 the last question.

8 COURT REPORTER: Thank you.

9 BY MR. CUSICK:

10 Q. I guess within what you said, then,  
11 Representative Jordan, would it be fair to say, then,  
12 you used that personal cell phone to discuss  
13 redistricting?

14 A. I'm sure I have, yes. I had phone calls with  
15 many folks in some form, relating in some form to  
16 redistricting, yes.

17 Q. When you say folks, are you referring to  
18 legislators?

19 A. Legislators would be on that list, constituents  
20 would be on that list, an attorney in this capacity  
21 would be on that list.

1 Q. Anyone else you can think of? My apologies.

2 A. I was just going to say I spend a lot of time on  
3 the road back and forth from Florence and end up on the  
4 phone quite a bit.

5 Q. What about any text messages?

6 A. I did text some -- some, if not all, of the  
7 members of the Ad Hoc Committee for purposes of  
8 scheduling at times, if I remember correctly. Going  
9 back to the beginning of this process, again, we had I  
10 believe it was 10 -- 9 or 10 meetings across the state  
11 and then multiple meetings in Columbia, and pretty much  
12 all of those meetings were, if I remember correctly,  
13 outside the confines of what would be our normal session  
14 dates, and so trying to coordinate to let folks know  
15 when we were having meetings and working around to find  
16 meeting dates that would work within their schedules and  
17 things like that. So, yes, in those -- and that's just  
18 an example of the primary use, I would say.

19 Q. Was there any other discussions to your  
20 recollection outside of scheduling with Ad Hoc Committee  
21 members?

1 A. May have had -- not that I recall.

2 Redistricting is tough to do over the phone. You have  
3 to -- you need to be able to see it to recognize what  
4 you're talking about. So, I'd say primarily, you know,  
5 it was more of a face-to-face, screen-to-screen kind of  
6 thing, if that makes sense.

7 Q. Would that include FaceTime or other apps that  
8 allow you to be screen-to-screen or face-to-face?

9 A. I believe we did have a couple of FaceTimes with  
10 a couple different members of the Ad Hoc Committee  
11 during the course of this process.

12 Q. And does that include Ad Hoc staff?

13 A. I believe Ms. Dean would of probably been a part  
14 of those meetings.

15 Q. Have you gone back like you did with your e-mail  
16 to search any relevant conversation related to  
17 redistricting?

18 A. What meeting are we talking about?

19 Q. Just have you gone back to -- similar like you  
20 did where you used search terms for your e-mail to  
21 understand the full scope of your e-mails, did you do



1 something similar to see the full scope of text messages  
2 that were on your personal phone related to  
3 redistricting?

4 A. Yes, I did go back and perform a similar search  
5 on my texts, and then I also tried my best to remember  
6 if I had any different text communications with members  
7 of the Ad Hoc Committee before the House Representatives  
8 and based on -- so, yes, is the answer.

9 Q. And what did that search entail in terms of  
10 search terms or just going person by person?

11 A. A little bit of both. I used -- similar like I  
12 described in the e-mail -- search terms and then I do  
13 remember a text or two. Just kind of as you go along  
14 things pop in your head, so I would go back and see if I  
15 could search a particular member who had asked a  
16 question about the map room or something like that, and  
17 I'd go look for that. And then I did pull up -- I don't  
18 know if I did -- I think I did everyone -- but I think I  
19 did everyone -- but pulled up every member of the Ad Hoc  
20 Committee that I could find there was a text history  
21 there to see if it was texting related to redistricting.

1 Q. Have you provided those texts to your counsel in  
2 this case?

3 A. A couple I just remembered, and I don't think  
4 I've given those over yet, but we've made arrangements  
5 for me to do that.

6 Q. Got it. And I know that there's the general  
7 redistricting at southcarolinahouse.gov. Who controls  
8 access to that e-mail or, I guess, who is looking at  
9 those e-mails coming in?

10 A. That would be House Judiciary, and I believe  
11 Ms. Dean would be the primary there.

12 Q. Were e-mails that went there forwarded to all  
13 Ad Hoc Redistricting Committee members?

14 A. No, they would not have been forwarded. Most if  
15 not all of those e-mails were made available by print,  
16 if I remember correctly. You could either, A, get a  
17 copy if you wish or, B, you could come by House  
18 Judiciary and review it, if I remember correctly.

19 Q. So, if somebody sent written testimony in  
20 related to redistricting, what would be the process for  
21 it to be received or put in front of the Ad Hoc

1 Committee?

2 A. Again, they could request -- I can't say for  
3 certain every e-mail was printed for every member of the  
4 Ad Hoc Committee. They could either ask for that to  
5 occur, like I did, or they could have access to review  
6 if they chose to go to the front of the screen and  
7 look at it. I know -- I don't believe every e-mail was  
8 forwarded on to members. I chose to have it printed out  
9 just so it was easier for me to go through it page by  
10 page.

11 Q. I know there were probably lots of written  
12 comments. Do you have a ballpark of what your process  
13 was for determining which ones to print out or to  
14 request to review?

15 A. I just asked for all -- all relevant comments  
16 pertaining to redistricting.

17 Q. And so for your redistricting work outside of  
18 fellow legislators, House staff, and members of the  
19 public, did you speak to any third-party organizations?

20 A. No.

21 Q. Any political organizations?

1 A. When you say speak to, I think I did get a call  
2 from -- I can't remember who it was now -- someone in  
3 the Republican Party, just congratulations, condolences  
4 on being chairman of the district. That type of --  
5 nothing pertaining to the process itself.

6 Q. Any lobbyists?

7 A. No, not that I recall.

8 Q. Consultants?

9 A. Not that I recall.

10 Q. Anyone from the governor's office?

11 A. My nephew works for the governor's office, and I  
12 think he -- we talk on a regular basis and I'm sure it  
13 came up in conversation, but no one specifically.

14 Q. And I think I might have the answer to these  
15 next set of questions, but if you'll just bear with me  
16 for a moment. Was your primary communication with  
17 Mr. Dennis face-to-face?

18 A. Yes.

19 Q. Is that true for Speaker Lucas, Representative  
20 Murphy, and Ms. Dean?

21 A. I probably spoke more to Ms. Dean than anyone

1 because she was -- Ms. Anderson retired somewhere in  
2 this process, and so she was the primary person for  
3 purposes of scheduling and logistics and things like  
4 that. So, I probably spoke on the phone more with her  
5 than anyone. Yes, to the rest, I would say.

6 Q. As chair of the Redistricting Committee, did you  
7 at all regularly have a standing meeting or meet  
8 regularly with any House leadership about redistricting?

9 A. No, when I would -- it was not a standing  
10 meeting, no.

11 Q. I guess how often would you meet, then, with  
12 House leadership over redistricting?

13 A. There really weren't many meetings. I mean,  
14 Speaker Lucas would ask if we were on schedule, you  
15 know, making sure that we were -- everyone recognizing  
16 that we were doing our best to -- waiting on the census  
17 data, and then from that time of receiving the census  
18 data, pushing the process forward. So we would  
19 occasionally discuss time lines and things like that.

20 Q. Now, I'll talk a little bit more -- I know we've  
21 been using, and I think we're on the same page, either

1 Ad Hoc or Redistricting Committee as shorthand for -- do  
2 you understand if I use that as shorthand that we're  
3 talking about the same thing?

4 A. Yes.

5 Q. Before this redistricting cycle, had you been  
6 involved in any redistricting efforts? I guess that  
7 would have been 2010, 2011.

8 A. That pre-dates me.

9 Q. And I guess could you talk about the process for  
10 the creation of the Ad Hoc Committee? Who convened it,  
11 how members were selected, to the extent you know?

12 A. That first got on my radar back pretty early in  
13 '21 or maybe even as late as end of '20 as we came into  
14 another term in the House. It was time for committee  
15 appointments and subcommittee appointments, and my first  
16 knowledge that I might be involved was my going on the  
17 Election Law Subcommittee that was sort of -- I may be  
18 involved in the process. And I believe I spoke with  
19 Speaker Lucas and Chairman Murphy that that was a  
20 possibility.

21 Q. Do you know how members were selected for the Ad

1 Hoc Committee?

2 A. Like we talked about earlier, it was an effort  
3 to create a statewide geographical committee.  
4 Originally, we had one member from each congressional  
5 district and then the chairman, and then it was --  
6 became clear to me that it was important that -- so that  
7 it'd be geographically diverse that it be diverse as far  
8 as the party goes, not all Republican or all Democrat,  
9 obviously. A mixture of Republican and Democrat and so  
10 too race and sex.

11 Q. And based on what you testified to, was that  
12 discussions with Speaker Lucas, Representative Murphy,  
13 and anyone else?

14 A. I'd say it's a combination of discussions but  
15 also me observing and watching these kind of things fall  
16 into place and looking how it came to be.

17 Q. Were you selected as chair before the Ad Hoc  
18 Committee membership was fully selected?

19 A. If I remember correctly, it all kind of came  
20 together in a similar time period.

21 Q. And I think I recall at some point in the

1 testimony, one of the members withdrew from the  
2 committee; is that right, at some point?

3 A. That's correct, Mr. Brandon Newton had to  
4 withdraw at the last minute. His wife had just had a  
5 child, a new baby, and I think that they were trying to  
6 get life kind of under control. That's how he described  
7 it to me when we discussed it.

8 Q. I would say that's probably more hectic than the  
9 work on the Redistricting Committee, to try to balance  
10 both.

11 A. I think when he explained back home that he  
12 would have to be in nine different places across the  
13 state over a two-to-three week period, it became, you  
14 know, just a -- too big of a mountain to climb.

15 Q. Which congressional district would  
16 Representative Newton, I guess, represent?

17 A. So, he lives in the Lancaster area, so that  
18 would be the 5th. I'm trying to see the map in my head.  
19 It encompasses essentially York, Lancaster, that part of  
20 the state. I'm blanking on the number.

21 Q. Was his seat, I guess, filled or replaced by



1 someone else?

2 A. It was not, due to the timeliness. We were  
3 literally beginning the process of a statewide tour  
4 within days, and it was such that -- it was a  
5 logistically difficult scenario to put all of this into  
6 place, and given that time line, the position was not  
7 filled.

8 Q. And was that a joint decision with you as chair  
9 and other folks, or who made that determination that it  
10 would be logistically difficult?

11 A. I recall that when Mr. Newton informed me he  
12 didn't think he could participate, my opinion on the  
13 matter was that it would be very difficult to bring  
14 someone in at that late date and given the time  
15 commitment, so it would be very difficult. In my  
16 opinion, it would be very difficult to fill the  
17 position, and we had -- again, we had a committee that I  
18 felt like was capable, up to speed, ready to go,  
19 represented, you know, all parts of -- the far-reaching  
20 parts of South Carolina, maybe not that particular  
21 congressional district, but a statewide basis, I guess

1 I'd say.

2 Q. Did you reach out to any elected officials to  
3 see if they might have any interest?

4 A. I did not.

5 Q. Do you know if anyone -- I don't know if  
6 volunteer would be the right word -- but expressed  
7 interest in filling that seat or spot on the committee?

8 A. No one did to me.

9 Q. As chair of the committee, what would be your  
10 primary responsibilities, or what were?

11 A. I'd say it depends on, you know, where you are  
12 in the process. The beginning phases it's, again,  
13 making sure everyone -- trying to coordinate with as  
14 many people as possible to be present and to participate  
15 in the public hearings. As chair of that committee, it  
16 was very important to me that we had a good attendance  
17 record, and I think overall we did, by members of the  
18 committee. So, communicating with them the importance  
19 of it and where we were going, when we were going, those  
20 kind of things, that was a major component of it to  
21 begin with. And then, over time, that transitioned to

1     trying to help in the map room to make sure that  
2     logistically worked. And then, ultimately, that sort of  
3     changes into passing the legislation. You know,  
4     ultimately this process requires that we pass bills, so  
5     to speak. And now -- that'd be it.

6     Q.         Who -- I guess, as chair, who would determine --  
7     I guess who determined the schedule for the initial set  
8     of public hearings from September to October?

9     A.         I participated heavily in that, so a lot of that  
10    was practical. Again, we were being driven by trying to  
11    -- you know, the late census data, trying to make sure  
12    we got it all moving, but also practical in the sense of  
13    we were trying to go across the state and finding venues  
14    that would accommodate us. You know, again, that was --  
15    there were times in this process where certainly COVID  
16    was very real. And so -- and what I mean by real, spike  
17    and whatnot that we had to deal with. So, finding  
18    places that would -- where we could spread out and be  
19    welcome was part of that challenge as well.

20    Q.         As chair, did you have the responsibility for  
21    when proposed staff maps would be publicized, or who

1 made those determinations for when to publish or  
2 publicize proposed maps or amendments?

3 A. I suppose I had say in that, for sure. Again,  
4 I'd say the primary driver of that was the block. You  
5 know, we had a certain amount of time in which we needed  
6 to get hearings done and we had a certain amount of time  
7 that we had to open the map room, and then we had a  
8 certain amount of time we had to allow for those maps to  
9 be made public and then to give opportunity again for  
10 folks to weigh in and consider other alternatives. So,  
11 yes, I certainly participated in the creation or -- of  
12 that time line but it was practical nature primarily.

13 Q. I know you mentioned Ms. Dean as playing a role  
14 in the redistricting efforts. Could you describe what  
15 her role was to you, as chair, you know, things that she  
16 was responsible for or did throughout the process?

17 A. So, in the beginning of the process, she was  
18 instrumental in the logistics of helping me make sure  
19 everyone was aware when and where we were meeting and  
20 also the public, making sure that the website, you know,  
21 information was provided to the technical folks to make

1     sure it was up. Also, in coordinating when we had  
2     meetings in Columbia, that we had a room and we had  
3     space and everyone was made available and were aware of  
4     it. When it came time for the map room, she was  
5     instrumental in making sure that it was open. And the  
6     way we did the scheduling on that, that flowed through  
7     Judiciary so she -- I'm sure we was vital in that. And  
8     then going forward, she was also very instrumental in  
9     the legislative process to make sure that we conformed  
10    with the law and the process.

11    Q.       When you say conform with the law, and without  
12    going into specifics, did she provide any legal advice  
13    to you as chair?

14    A.       I'm sure she did.

15    Q.       I want to understand just some of the other  
16    committee staff members. I know we've spoken about  
17    Ms. Dean and while I'm blanking on the names of the  
18    other staff counsel, I want to know if there are any  
19    other staff members for the Redistricting Committee that  
20    were involved in the redistricting process?

21    A.       It was sort of an all-hands-on-deck. You, so

1 had Roland and Jimmy were present at different times,  
2 both during the course of the public hearings, as well  
3 in the map room, as well as in the committee process.  
4 So, I think the three of them were the primary Judiciary  
5 folks.

6 Q. And are both attorneys?

7 A. Yes.

8 Q. Were there any non-attorney staff members for  
9 the Redistricting Committee?

10 A. Not that I recall.

11 Q. Did the Redistricting Committee hire any  
12 consultants during the redistricting process?

13 A. The committee itself, not that I recall, no.

14 Q. If they did, would that be a decision that you  
15 had input in or would have oversaw?

16 A. I would assume so.

17 Q. Do you know if the House Judiciary hired any  
18 consultants during the redistricting process?

19 A. The only consultant I know of you referenced  
20 when you went through your list of names. I remember  
21 the name but I never met with or spoke with -- I can't

1 remember the name though.

2 Q. Thomas Brunell?

3 A. So, that would be the only consultant, I think  
4 he was a consultant, that I'm -- have heard about.

5 Q. Even though you didn't communicate with him, did  
6 -- I guess what information or consultation did he  
7 provide to the Redistricting Committee or House  
8 Judiciary?

9 A. I'm not aware of any direct communication.

10 Q. So, there weren't any reports that you -- my  
11 apologies, I'm sorry.

12 A. Go ahead.

13 Q. Oh, no, I was going to ask, were there any  
14 reports or findings that you reviewed from Dr. Brunell?

15 A. Not that I recall.

16 Q. From your understanding, who would you consider  
17 map drawers or drawers during this process for the Ad  
18 Hoc Committee?

19 A. So, once you go into the map room process, is  
20 that what you're referring to?

21 Q. Yes.

1 A. Within the map room, you would have Tom Hager.  
2 He would be sort of the chief operational computer  
3 person, and then within that structure there would be  
4 several interns, I guess you could describe as  
5 technicians, that would assist members in the map room  
6 by navigating the computer for them, for the members  
7 when they would go in. Certainly staff counsel would be  
8 available to assist in that process. Trying to make  
9 sure I don't leave anyone out. That's the general sort  
10 of overview.

11 Q. We'll talk about the map room a little bit more  
12 in detail later on, but I first, before we get there, I  
13 want to talk a little bit about the House's  
14 redistricting criteria and guidelines.

15 A. Sure.

16 Q. So, what I hope has been uploaded and I've  
17 marked as Plaintiff Exhibit 3, which is the document  
18 titled, Meeting Proceedings, August 3, 2021, South  
19 Carolina House Judiciary Committee. This is a  
20 transcript of the August 3rd, House Redistricting  
21 Committee meeting and is available on the Ad Hoc



1 Committee hearings website. It should be the fourth  
2 document. I had to refresh within Veritext, and let me  
3 know when you have that up for a moment.

4 (Exhibit 3 marked for identification and  
5 attached to the transcript.)

6 A. I'll tell you, I'm impressed that I was able to  
7 do that. This is Exhibit 3?

8 Q. Correct. It should be the -- unfortunately,  
9 it's the fourth document, but it's Plaintiffs' Exhibit  
10 3. Fourth document within the listing.

11 A. All right, I have it.

12 Q. Do you recall, Representative Jordan, being at  
13 this August 3rd House Redistricting Committee meeting?

14 A. I recall being there, yes.

15 Q. And I want to turn to page 8, with your remarks  
16 beginning on line 20. Let me know when you have a  
17 moment to get there.

18 MS. HOLLINGSWORTH: And, Mr. Cusick, for the  
19 record, how many documents are we going to review today,  
20 because I don't want to take up time having to review  
21 these with him and taking breaks? So, nothing was

1 identified in advance of this deposition, so I kind of  
2 want to be -- don't want to use up time unnecessarily,  
3 but do you have an expectation of how many exhibits are  
4 going to be uploaded and whether that is something we  
5 should go ahead and do so that we have the opportunity  
6 to review them?

7 MR. CUSICK: Yes, I mean the sets of documents  
8 are going to be hearing transcripts like this for the  
9 four hearings by the Redistricting Committee and then  
10 questions related to just, you know, remarks that  
11 Representative Jordan made. There are a couple of  
12 letters that the South Carolina NAACP had shared with  
13 the Redistricting Committee, where I'm not going to go  
14 into the content of those letters but just asking if  
15 Representative Jordan had received them, and then just  
16 one other document with a Bates stamp. So, I don't  
17 know, Jennifer. If it's easiest, I could -- I have no  
18 problem uploading them all right now, and I don't want  
19 to make anyone work over lunch or add time, but I'm  
20 happy to upload them all now if it makes sense for you  
21 and Representative Jordan and Ms. Wells to review.

1       Whatever you think makes sense.

2               MS. HOLLINGSWORTH:   Yes, so I guess what I'll  
3       say, I'll kind of reserve judgment for a minute, but it  
4       would be good to upload everything, and then whenever we  
5       could take a lunch break, I'm happy go look at stuff on  
6       the break.   So, again, I'd like to not have us be here  
7       any longer than necessary.   So, you can -- let's  
8       continue and determine whether we need to break to  
9       confer.   I hope not, but I would like to do that over  
10      lunch.   So, whenever we break at lunch, if you could  
11      just pop those up there and we'll take a look at the  
12      time.

13             MR. CUSICK:   Yeah, and if it's easier for you,  
14      I'll upload all of them, and then maybe I can send you  
15      and Ms. Wells an e-mail just so you have the PDFs as  
16      well, just in case that's easier.

17             MS. HOLLINGSWORTH:   That would be helpful, thank  
18      you.

19      BY MR. CUSICK:

20      Q.       Representative Jordan, on page 8, line 20, do  
21      you see the beginning where it says Chairman Jordan?

1 A. I do.

2 Q. Do you mind reading that paragraph?

3 A. "All right, with that, let's turn -- I think the  
4 other item we're going to talk about today is our  
5 proposed guidelines and criteria. That was a -- one of  
6 the documents that you received in the last week in  
7 order to begin to digest just a little bit about that,  
8 and then we'll certainly discuss it."

9 Q. Who prepared the initial draft or proposed  
10 guidelines and criteria?

11 A. That would have been counsel and consulting  
12 staff, I believe.

13 Q. When you say counsel, who are you referring to?

14 A. I believe -- this was one of the things that  
15 sort of everyone reviews. So, everyone from Dennis and  
16 Ms. Dean to Nexsen Pruet folk. I reviewed it. Lots of  
17 folks had a hand in it.

18 Q. Got it. Just to make sure we're on the same  
19 page, that would include Speaker Lucas?

20 A. I don't believe Speaker Lucas was a part of  
21 that. I don't believe he was.

1 Q. I heard you say Mr. Dennis and Ms. Dean. You  
2 also said Nexsen Pruet?

3 A. Yes.

4 Q. And then the members of the Ad Hoc Committee?

5 A. Yes, they would have -- so, this refreshes my  
6 memory, they were provided sort of a rough draft and had  
7 the opportunity, if they so chose, to weigh in and see  
8 the document.

9 Q. Do you recall receiving any feedback on that or,  
10 I guess, who would have been in charge of collecting any  
11 feedback and putting this document together?

12 A. My standard practice -- or, excuse me, I  
13 shouldn't say standard practice. I believe prior to  
14 this meeting, I sort of called around and just -- making  
15 sure everybody was coming and, you know, any concerns or  
16 questions that we can be prepared for, and I think -- I  
17 don't recall specifically who or what any of the dates  
18 were. I think there were, but I just can't remember who  
19 and what.

20 Q. Did you conduct any research to assess or  
21 propose any input into the guidelines?

1 A. I looked back -- I got Ms. Dean to help me, and  
2 I looked back at what had been adopted in the prior  
3 redistricting process. And so that as well as some of  
4 the case law associated with redistricting, I did review  
5 those things, yes.

6 Q. Were you provided any additional research  
7 outside of what you worked with with Ms. Dean?

8 A. I'm sure I was. This redistricting process has  
9 been a flood of information.

10 Q. That is probably an understatement. Did any  
11 members of the public have input into this draft?

12 A. I don't believe so.

13 Q. Do you think it would have been beneficial to  
14 have any public comment or feedback on the proposed  
15 guidelines?

16 A. No, I think this is primarily legal in nature.  
17 And we went to great lengths to make -- to be prepared  
18 to do this the right way. Certainly the public would  
19 certainly be entitled to it. Times, if I remember  
20 correctly, during the course of our hearings to comment  
21 on the criteria, but I don't believe it was a flaw in

1 the process that we did not open this up, to my  
2 recollection, for public input as part of it.

3 Q. Did you seek any public input on the guidelines  
4 during those hearings from September or October?

5 A. You know, the public input was really just --  
6 was really an opportunity for, we'll listen to whatever  
7 you want to tell us. You know, my opinion of the public  
8 input was they got to decide what they thought was  
9 important, and as a result of that, we heard everything  
10 from testimony related to the criteria to -- I mean, I  
11 heard about a tree farm in Chesterfield County, if I  
12 remember correctly. So, the public tends to decide  
13 what's -- what's for them to weigh in on and those types  
14 of things.

15 Q. In any of those meetings, did you share the  
16 document before there was public comment so people knew  
17 what the guidelines were?

18 A. I believe we made the criteria available but I,  
19 again, I can't -- I know it was part of my colloquy at  
20 every public hearing. I referenced it and sort of gave  
21 an overview of it; I think we made it available on the

1 website.

2 Q. Do you recall if there were any hard copies of  
3 the guidelines to hand out during any of those public  
4 hearings?

5 A. I don't believe so. And that was -- as chair, I  
6 thought about that, but again that was also back in a  
7 COVID period and folks were somewhat squeamish at times  
8 about personal contact.

9 Q. And I forgot to ask this on folks involved in  
10 the process, did the Senate have any involvement in the  
11 drafting of the criteria?

12 A. They did their own criteria, if I remember  
13 correctly. So the answer is, no, to ours.

14 Q. And within the statement you read here from your  
15 testimony, at the end you state that you received it  
16 last week in order to begin to digest a little bit about  
17 that. Why was it important to give the draft document a  
18 week ahead of that meeting?

19 A. Well, number one, at some point in time, and the  
20 committee chose that point in time, that August 3rd  
21 meeting, the criteria had to be adopted. We technically



1 had to say, this is what we're going to -- the framework  
2 in which we're going to operate. So, I felt like it was  
3 important for them to have the ability to review it.  
4 Again, digest it, make any suggestions, and be prepared  
5 for any discussion on it.

6 Q. Do you think -- I guess do you think a week  
7 would give them sufficient time to meaningfully review  
8 the document?

9 A. I think so. I mean, this was not a 50-page,  
10 100-page document. This is a pretty straightforward  
11 document. We're going to follow the law and then these  
12 principles of redistricting that existed for quite some  
13 time; we didn't remake the wheel in this document, so I  
14 think so.

15 Q. I'm now I'm going to ask a question. I know you  
16 referenced the research that you worked with Ms. Dean  
17 on, and this is on page 9 and the next page on that  
18 Plaintiffs' Exhibit 3, lines 1 through 6, and if you  
19 could read just -- I think it's just the first full  
20 sentence beginning with the "criteria" and then the last  
21 one is "interest" that ends on line 6.

1 A. "The criteria and guidelines in my research  
2 doesn't really change from every ten-year period. As  
3 you will see, we will start with the Constitution of the  
4 United States, through federal law, state law, all the  
5 way down to, you know, including the compactness,  
6 communities of interest."

7 Q. I want to ask you, it's in line -- the first two  
8 words or, I guess, three words on line two where you  
9 referenced the redistrict criteria doesn't really change  
10 from every ten-year period. What did you mean by that?

11 A. Kind of what I said a moment ago. I mean, this  
12 is a process that we engage in on a every-ten-year basis  
13 and the law, the process itself, doesn't change a whole  
14 lot. The things we consider, while they may -- the  
15 communities of interest may change, the compactness may  
16 change, the time of duty may change, but those  
17 principles don't change.

18 MR. CUSICK: For a moment, we'll speak to  
19 Ms. Hollingsworth. I'm going to introduce the  
20 redistricting guidelines and criteria, that three-page  
21 document. I'm happy to do that and ask the set of

1 questions on them and break for lunch, or,  
2 Ms. Hollingsworth, would you prefer to break here for me  
3 to upload everything, and then we can resume when you've  
4 had a chance to review and speak with Representative  
5 Jordan?

6 MS. HOLLINGSWORTH: No, if it's the three-page  
7 guidelines and criteria document, I think you can upload  
8 that and ask your questions.

9 BY MR. CUSICK:

10 Q. I'm now marking what is the South Carolina House  
11 of Representatives Judiciary Committee Redistricting Ad  
12 Hoc Committee's 2021 Guidelines and Criteria for  
13 Congressional and Legislative Redistricting, and it's  
14 dated as adopted on August 3, 2021, as Plaintiff Exhibit  
15 4. It might take a moment, Representative Jordan, or  
16 you might have to refresh the page. So let me know when  
17 that document appears and you've had a chance to look at  
18 it.

19 A. I have it and I'm familiar with it.

20 (Exhibit 4 marked for identification and  
21 attached to the transcript.)

1 Q. Would it be fair to say that these guidelines or  
2 criteria guided the committee's assessment of all  
3 proposed maps?

4 A. Absolutely.

5 Q. As well as the development of all proposed maps?

6 A. I can't say the development. I can say the  
7 development of proposed maps from within the House. I  
8 mean, obviously there were maps that were created and  
9 provided to us outside -- sort of through that public  
10 process that I can't address -- but for purpose of maps  
11 that we proposed, yes, I would think so.

12 Q. You caught me on one of those questions where I  
13 was not as sharp as I wanted to be. But that was the  
14 question, on whether the Redistricting Committee guided  
15 the proposed maps of the Redistricting Committee?

16 A. Yes.

17 Q. Is there any other document that the  
18 Redistricting Committee created that supplemented this  
19 criteria or was used to guide assessing maps?

20 A. Not that I recall.

21 Q. Did you rely upon any other documents to guide

1 your assessment of maps that the Redistricting Committee  
2 was drafting and developing?

3 A. Not that I recall.

4 Q. And so I want to talk about a couple of the  
5 guidelines themselves. And so under Roman numeral  
6 number II, titled Federal Law, if you could just take a  
7 moment, you can read the full paragraph. I'm going to  
8 ask you questions about the first three sentences, but  
9 take as long as you need and no need, to read them into  
10 the record.

11 A. Okay.

12 Q. In the third sentence right in the middle, it  
13 begins with "the dilution of racial or ethnic minority  
14 voting strength." Do you see that?

15 A. I do.

16 Q. What does the dilution of racial and ethnic  
17 minority voting strength mean to you?

18 A. To separate members of those groups in a way  
19 that would minimize their voting ability -- or not  
20 ability but their -- basically decreasing the numbers by  
21 splitting into different areas.

1 Q. Anything else?

2 A. That's a broad sort of definition.

3 Q. What are some examples of the dilution of racial  
4 or ethnic minority voting strength that you mentioned?

5 MS. HOLLINGSWORTH: Object to the form.

6 THE WITNESS: Sorry, say that again?

7 BY MR. CUSICK:

8 Q. What would be a hypothetical example of the  
9 dilution of racial or ethnic minority voting strength?

10 MS. HOLLINGSWORTH: Same objection.

11 THE WITNESS: To single out one particular group  
12 based on race and to try and break them into different  
13 areas in order so that they're voting for, so a  
14 percentage would be decreased.

15 BY MR. CUSICK:

16 Q. When you mention single out, does there have to  
17 be an intentionality behind that, or could it happen as  
18 an effect or for unintentional reasons?

19 A. I'd say it could happen unintentionally if you  
20 weren't careful.

21 Q. Now, under Roman numeral -- I think it's IV,

1     yes, it's IV -- subsection C on page 2, if you could  
2     take a moment to read that to yourself. No need to read  
3     it into the record, and let me know when you've had a  
4     chance to review. This deals with the total population  
5     deviation standard.

6     A.       I'm familiar with it.

7     Q.       Could you explain that -- it begins in the third  
8     line, it's the second full sentence, "in every case,"  
9     and it reads, "efforts should be made to limit the  
10    overall range of deviation from the ideal population to  
11    less than five percent, or a relative deviation in  
12    excess of plus or minus two and one half percent for  
13    each South Carolina House district." Did I read that  
14    accurately?

15    A.       I believe so.

16    Q.       What does that mean to you?

17    A.       So, the underlying principle here is one person,  
18    one vote, and therefore trying to make the districts in  
19    South Carolina, the House districts, as close in  
20    proximate population as possible, and in this situation  
21    specifically five percent was the deviation.

1 Translating that five percent into two and a half  
2 percent alone. The 41,278 as well as above, created  
3 that five percent range to provide some reasonable  
4 latitude by which districts could be similar in  
5 population.

6 Q. Would it be fair to say that the guidelines  
7 prioritized the range that you mentioned of five percent  
8 for a total population deviation standard?

9 A. Yes, two and a half on either side.

10 Q. Right. Two and a half plus or minus for a total  
11 of five percent?

12 A. Correct.

13 Q. Why was this standard chosen to prioritize, the  
14 five percent or plus or minus 2.5 percent?

15 A. To start with, it was the prior approved -- or,  
16 I said approved, legally upheld standard of  
17 redistricting in the prior cycle. What I mean by that,  
18 is that was the deviation that had been used in, I  
19 guess, in 2010, and that redistricting process had been  
20 litigated and ultimately found appropriate. So, going  
21 back to what we talked about earlier, where time was



1 important in this process given the delayed census, we  
2 knew that was a legally viable reasonable deviation.  
3 And so, in my mind, that was the primary basis on that  
4 being appropriate.

5 Q. Do you recall any concerns or critiques of the  
6 use of that standard during public hearings or among  
7 colleagues on the House Judiciary or Redistricting  
8 Committee?

9 A. Yes, this was one of the things, maybe more so  
10 than any other thing, that was discussed and brought up  
11 during the course of it. There was some discussion that  
12 ten percent was appropriate, but ultimately five percent  
13 was found to be more appropriate.

14 Q. And, you know, in the last portion of that  
15 subsection C, it's fair to say that the criteria does  
16 allow for a ten percent total population deviation,  
17 again plus or minus five, if certain conditions are met?

18 A. So the way I looked at that was that, you know,  
19 yes, there were circumstances in which ten percent could  
20 be found to be appropriate or viable. I use the word  
21 could. But what we knew was what five percent was and

1 that was a big difference, at least in my opinion, going  
2 through this process, given that we -- COVID had delayed  
3 the census and yet we were trying to, if at all  
4 possible, have these lines drawn in accordance with --  
5 in a timely fashion. So, there was a big difference in  
6 what we knew was viable and appropriate in the eyes of  
7 the law and what could be viable and appropriate in the  
8 eyes of the law.

9 Q. I know you mentioned the way that COVID  
10 interacted with the census count and the data being  
11 released. Do you have any opinions whether COVID  
12 impacted the total numbers that were reported in South  
13 Carolina for population?

14 A. It would make sense to me that COVID was a  
15 factor in that. Obviously, how could it not be. The  
16 problem I kept coming back to, the COVID and the census,  
17 is there's no way to fundamentally prove areas in which  
18 -- sort of prove in a negative there. There was no way  
19 to prove that it impacted. Could I look at it and say  
20 COVID impacted everything, absolutely. But for purposes  
21 of being able to adequately demonstrate it legally,

1 that's a different decision.

2 Q. Do you recall any testimony or statements that  
3 there was an undercount in the census?

4 A. There were folks that testified during the  
5 course of the public hearings that it was their opinion  
6 that there was an undercount, yes, that is correct.

7 Q. Any legislators?

8 A. I believe there were at times some legislators  
9 in the process that, again, spoke up that it was their  
10 opinion that voting did participate in that as well,  
11 yes.

12 Q. Did you follow up with any of those legislators  
13 to understand what the basis was for their statements?

14 A. We discussed it in the hearing and on the House  
15 floor. I think it probably came up in full Judiciary  
16 so, I mean, yes, it was a topic that came up more than  
17 once.

18 Q. Do you have any opinions whether there is or was  
19 an undercount in South Carolina for the census data that  
20 was released?

21 MS. HOLLINGSWORTH: Object to the form.

1 THE WITNESS: Again, one of those things, on a  
2 broad sense, COVID impacted everything. On a particular  
3 sense, which is what we have to operate under, I heard  
4 no testimony that said, here, I can demonstrate to you  
5 in a provable sense, COVID impacted this undercount  
6 here. It was much more in a broad sense.

7 BY MR. CUSICK:

8 Q. Do you recall receiving any testimony that  
9 pointed to studies related to census undercount?

10 A. I recall testimony to the issue. I don't recall  
11 specifically when and where and who kind of thing.

12 Q. So, I guess, what steps did you take to assess  
13 those claims about census undercount in South Carolina  
14 to verify it or not? Or to come to an opinion, I should  
15 say.

16 A. Again, it was a topic that came up more than on  
17 a few occasions, and in some sense it would have been  
18 easier to use a higher percentage for purposes of  
19 population. But from a legal standpoint, I don't think  
20 it was the appropriate decision.

21 Q. When you say a legal standpoint, is that you --

1 is that your opinion that you're offering as the chair?

2 A. Yes, I'm going back to -- I know five percent  
3 works because it has worked. Ten percent can work, but  
4 will it work.

5 Q. Earlier in the deposition, you mentioned you  
6 reviewing case law related to redistricting. Do you  
7 recall reviewing any case law about whether federal  
8 court accepts a ten percent total population deviation?

9 A. I do recall case law referencing, you know, five  
10 percent and ten percent and kind of how do we analyze it  
11 here today. That five percent historically is  
12 acceptable, ten percent, if you can establish or under  
13 certain cases or situations-type. That's my  
14 recollection.

15 Q. And within the guideline here in the last --  
16 the second-to-last sentence in the middle, it says, "the  
17 promotion of constitutionally permissible state policy,"  
18 as one potential basis for that higher ten percent total  
19 population deviation standard. What do you understand  
20 to be constitutionally permissible state policy that  
21 might justify a different total population standard than

1 the five percent?

2 A. I hesitate to speculate and give you a  
3 hypothetical. I can certainly tell you one if you gave  
4 me an example; I can tell you my opinion if I thought it  
5 fit in the category or not.

6 Q. Do you recall statements that a higher  
7 population deviation standard might be permissible to  
8 comply with the Voting Rights Act; do you recall any  
9 statements to that end?

10 A. That sounds familiar but, again, I can't tell  
11 you the time and place, who said it kind of thing. You  
12 could establish a list of hypotheticals and potentially  
13 that could potentially sit into that box. But it always  
14 came back to me and, again, I only have one vote of that  
15 committee and then ultimately one vote on the House  
16 floor, but we were dealing with what we could establish  
17 versus what we knew would work.

18 Q. I now want to move to Roman numeral number VI  
19 that deals with -- it's titled, Compactness. And if you  
20 don't mind, you can review both paragraphs there or  
21 whatever's easier. You don't have to read them into the

1 record but whatever you feel most comfortable?

2 MS. HOLLINGSWORTH: Mr. Cusick, while he's  
3 looking at that, I think Mr. Tyson might need PDFs of  
4 these documents. I don't know that everybody is able to  
5 access Exhibit Share easily. Can you just circulate  
6 your documents of PDFs to the attorneys?

7 MR. CUSICK: Yes. Right after this, I'll do  
8 that to you, Ms. Wells, Mr. Tyson, and Mr. Burchstead.

9 MS. HOLLINGSWORTH: Thank you.

10 MR. TYSON: Thank you.

11 BY MR. CUSICK:

12 Q. Okay. And then in the second paragraph there,  
13 it reads, "compactness should not be judged based upon  
14 any mathematical, statistical, or formula-based  
15 calculation or determination." Did I read that  
16 accurately?

17 A. Yes.

18 Q. So, how did the Redistricting Committee measure  
19 compactness?

20 A. I'd refer you to the paragraph above that. In  
21 my mind, this is more of a geographical component, and

1 kind of like what we talked about earlier when you're  
2 looking at the map that compactness would be how does  
3 the district relate to a river, a lake, other  
4 geographical issues in addition to -- I think it says in  
5 the Section A there -- census block geography. So, it's  
6 more of a geographical thing.

7 Q. Is there anything else beyond the prior plan and  
8 geography to measure compactness?

9 A. I think it spells it out pretty good. Census  
10 block geography, natural geography gets into other  
11 aspects of it.

12 Q. I guess why -- was there a concern about using  
13 mathematical, statistical, or formula-based calculations  
14 to determine compactness?

15 A. No, I mean, I don't think so. I mean,  
16 especially when you go back up to Section 4. That's  
17 more of the math, I would say. The equal population  
18 deviation section that takes apart the population of the  
19 state and then the districts, that's -- I'd say this  
20 document is broken into -- that's more of a math part  
21 and this is more of a geographical part.



1 Q. Are you aware that there are ways to measure  
2 compactness for redistricting plans?

3 A. That doesn't surprise me.

4 Q. Did you or anyone in the committee look to any  
5 mathematical, statistical, or formula-based ways to  
6 assess it?

7 A. To assess compactness?

8 Q. Yes.

9 A. I mean, we looked at -- again, going back to the  
10 other section -- we would look at the amount of  
11 population obviously in a -- if you look at the map  
12 where it sits geographically, so in that extent, yes.

13 Q. How do you define natural geography, which is  
14 the subsection B portion in this definition?

15 A. Natural geography, I mean, it says including  
16 water, so river, lake. In the upstate it could be -- I  
17 guess it could be a mountain. We don't have many of  
18 those in the Pee Dee, you know, contour of the  
19 geography.

20 Q. I know you referenced in the first sentence of  
21 the second paragraph about compactness should be judged

1 in part by the configuration of prior plans. Why was  
2 that determination made?

3 A. I think it goes back to the -- you have to have  
4 a starting point. The prior plan was, for us, a  
5 starting point. Obviously, we had to deal with changes  
6 in population and so forth, but that prior plan of  
7 establishing a starting point. Also, a starting point  
8 that we knew had been previously proven to be legally  
9 sound.

10 Q. Was this same definition of measuring  
11 compactness identical or the same calculation that was  
12 used for the previous plan?

13 A. I don't recall.

14 Q. Did you look into it to see if it was the same?

15 A. I looked back at the previous -- many different  
16 things related to the previous process. I just don't  
17 remember specifically as to that particular one.

18 Q. Did you do any assessment -- I mean, let me  
19 rephrase that. Might there have been districts in the  
20 2010 plan that were not as compact for reasons such as  
21 compliance with federal law?

1 MS. HOLLINGSWORTH: Object to the form.

2 THE WITNESS: You're asking about the 2010 plan?

3 BY MR. CUSICK:

4 Q. Yes. Well, I guess I can sharpen that,  
5 hopefully, the question a little bit more. Did you have  
6 any concerns that some of those previous districts that  
7 were adopted in 2010 might not have been as compact or  
8 were not compact?

9 A. No. Again, if it asks the legal standard in  
10 2010, to me that was a pretty big deal. I certainly --  
11 I looked at it as, you know, how can we make better what  
12 we know previously worked within the more up-to-date  
13 present information we have, such as the increase in  
14 population in some parts of the state and increase in  
15 population in other parts of the state.

16 Q. I'll now turn to Roman numeral VII, which is  
17 Communities of Interest. And I'll have you, if it's  
18 helpful, have you take a moment to review, and then  
19 we'll just ask you a few questions about that.

20 A. Okay.

21 Q. How would you define communities of interest?

1 A. I think this is a pretty good definition for our  
2 purposes today. You know, it's a variety of things that  
3 go into common strands that pull together different  
4 groups within our state.

5 Q. During the -- I guess part of, from my  
6 understanding of your testimony, the public hearings  
7 from September to October were to help identify  
8 communities of interest; would that be fair?

9 A. Yes.

10 Q. Did the Redistricting Committee compile a list  
11 of identifiable communities of interest?

12 A. There was a, as we've referenced before, many,  
13 many, many public comments that came in that identified  
14 that, so in a sense that were compiling as was every  
15 submission compiled.

16 Q. Were there any data synthesis that was created  
17 to show the mapping of communities of interest?

18 A. I'm not aware of any specific data.

19 Q. I guess what factors determined -- let me  
20 rephrase that. If there was a conflict in testimony  
21 among communities of interest in a defined area, did the

1 Redistricting Committee take any steps to probe that  
2 further?

3 A. When you say conflict, what exactly do you mean  
4 by that? You mean competing communities of interest or  
5 do you mean --

6 Q. Yes. Competing communities of interest within  
7 the same geographical area.

8 A. So, I would say remember this is one element of  
9 other elements, so it would be something that was  
10 considered but it wouldn't necessarily if you have --  
11 just give you an example. If you had in that scenario  
12 where two competing communities of interest, you would  
13 also perhaps look at the geographical component as well  
14 to determine what made the most amount of sense for  
15 purposes of drawing the lines; that's just an example.

16 Q. And then I'll turn to the next Roman numeral  
17 VIII, which is Incumbency Consideration. Sorry, let me  
18 make sure I'm there. Before I get there, I realize I  
19 mislabelled my Roman numerals. I have a few more  
20 questions on communities of interest for some of those  
21 factors that would be considered.

1 A. Sure.

2 Q. What does voting behavior mean, Representative  
3 Jordan, which is E under Communities of Interest?

4 A. That's one factor in a list of a bunch of  
5 factors that would be, I guess, come together to define  
6 that overall category, if that makes sense.

7 Q. I guess what is -- whose voting behaviors? I  
8 guess what, like, what would be an example of voting  
9 behavior to define a community of interest?

10 A. You're talking about individuals in that area  
11 that -- whether or not they vote, choosing to vote,  
12 participating in voting, that sort of thing, in my  
13 opinion.

14 Q. So that includes turnout?

15 A. I don't know that you'd go as far as to say -- I  
16 don't know if I'd go that far. I don't know how we'd  
17 really, in the context of redistricting, even know what  
18 the turnout would be. I don't know how we'd be able to  
19 really determine that accurately or thoroughly.

20 Q. So, when you said that you looked at  
21 participation, what did you mean, then, in reference to

1 voting behavior?

2 A. Choosing to actually, you know, vote. We had  
3 someone -- and, again, I'm speculating here -- if we had  
4 someone show up and say we don't -- for whatever reason,  
5 religious or otherwise -- we don't participate in  
6 voting, we don't believe we -- we don't vote, then that,  
7 I guess, could technically fall into that category.

8 Q. Does voting behavior encompass voting patterns?

9 A. Again, I don't know -- in this context, I don't  
10 think so because I don't know we'd have a way to really  
11 articulate that.

12 Q. I guess for you as an individual member, not as  
13 the redistricting chair, for you in voting for this  
14 criteria, does voting behavior include voting patterns?

15 A. No. And, again, this is economic, social,  
16 cultural, historically, it's one of a bunch of different  
17 other factors that go into a very broad definition of  
18 what is a community of interest. Trying to be broad so  
19 that -- in order to identify.

20 Q. Does voting behavior include behavior by  
21 political affiliation?

1 A. Not to me.

2 Q. By race?

3 A. Not to me.

4 Q. And then for, as you just referenced, historical  
5 influences, what does that mean? It's C, factor C.

6 A. There's certain communities that I would say are  
7 historical, and I've heard from several of them that  
8 said, you know, we're -- if you go back over time and  
9 we've been a community, and just jumping out at me, I  
10 think an example would be like the Gullah community if  
11 there was a particular region in the state of South  
12 Carolina, and if a group came in and testified that this  
13 is a -- that we're a community of interest, that would  
14 just be an example.

15 Q. Would this encompass what we talked about in the  
16 earlier part of this deposition, any history of  
17 discrimination?

18 A. You can put it in that category.

19 Q. Does economic, which is the first factor, A,  
20 does that include income level?

21 A. Yes, I think economic, again, like all these are



1 very broad terms that include a lot of different  
2 factors.

3 Q. Does it include occupation?

4 A. I don't know; I think you're getting a little  
5 too specific with a very broad spectrum, if that makes  
6 sense.

7 Q. Maybe I'll take it the other way, then: Was  
8 occupation considered in the factors for communities of  
9 interest?

10 A. No, I don't believe so. Again, these are broad  
11 terms to help get a sense of a community area as a  
12 whole.

13 Q. Is type of employment within these factors?

14 A. No, I think you're getting right back to  
15 occupation there again. I think that's a little too  
16 specific on a broad spectrum.

17 Q. How about -- I think I heard you right -- would  
18 historical neighborhoods be encompassed within these  
19 factors?

20 A. I would think so. I mean, you don't want to --  
21 one of the underlying concepts in my mind is to make it

1 easy and sufficient for people to vote and to take an  
2 area that has -- a historic neighborhood business, if  
3 they're there for a long time -- and to have a situation  
4 where some people within that confines of that  
5 neighborhood are in one area and others are in a  
6 different, certainly that's unavoidable at times, but  
7 that should be considered in the process.

8 Q. And then at the end of these factors, it begins  
9 with the sentence, "County boundaries, municipality  
10 boundaries, and precinct lines as represented by Census  
11 Bureau's Voting Tabulation District lines may be  
12 considered as evidence of communities of interests to be  
13 balanced, but will be given no greater weight, as a  
14 matter of state policy, than any other identifiable  
15 communities of interest." Did I read that correctly?

16 A. I believe so.

17 Q. Why should county boundaries, municipality  
18 boundaries, and precinct lines be given no greater  
19 weight than other identifiable communities of interest?

20 A. Well, they're certainly factors, as are many  
21 other things. But at the end of the day, the underlying

1 driving engine of this is the population. And, so I  
2 think the underlying concept here is we're trying to act  
3 to that one person, one vote concept. Trying to look at  
4 that in a way with a whole bunch of factors to make sure  
5 you hit that goal.

6 Q. Would it be fair to say that this is -- I guess,  
7 would the factors that we talked about, A through H in  
8 the beginning part of this, would those be the  
9 priorities for identifying communities of interest?

10 A. I think this is a -- a very broad but a very  
11 balanced or full list of what goes into describing these  
12 interests, yes.

13 Q. Does anywhere within these factors include  
14 highways and interstates as a consideration for  
15 communities of interest?

16 A. In my mind, that goes back to the -- yes, it  
17 can. I mean, you have highways that sort of naturally  
18 divide up communities, but at the same time, it's also  
19 relevant to (inaudible).

20 Q. Representative Jordan, are you aware of any  
21 statements during the redistricting process that

1 interstate highways might have been built to segregate  
2 communities of color?

3 A. I don't remember that. I'm not saying it wasn't  
4 said, but I don't remember that specifically.

5 Q. Have you researched that issue before, or has it  
6 come across any of your work as an elected official?

7 A. I have not, has not.

8 Q. As you were involved in -- I guess, when you  
9 were drawing House District 63, in your current  
10 district, how did you resolve any competing communities  
11 of interest, if there were any?

12 A. So, I'm not sure -- unfortunately, I'm not sure  
13 if House District 63 is a great example because --

14 Q. It's pretty small from what I see on the -- but  
15 largely concentrated, yeah?

16 A. Correct, and the other side of that is it's grew  
17 sort of in proportion population-wise with the average,  
18 statewide average. So, therefore, it didn't need to  
19 change a whole lot. I certainly looked at it, but it  
20 didn't need to change a whole lot to be compliant within  
21 the deviation population lines.

1 Q. How did the Ad Hoc Committee resolve, I guess,  
2 times when criteria might have been in conflict or  
3 tension with each other? For example, something could  
4 be compact but it might mean it's less contiguous?

5 A. Sure. You know, I point you back to the sort of  
6 the balancing test, I guess you'd say. You can't have  
7 it all. You know, you definitely want to make sure you  
8 comply with the law and with the population first, and  
9 from there sometimes you have to make tough choices.  
10 Sometimes you have to, you know, put a line where you  
11 wish that line could be just a little further over for  
12 one reason or another. But ultimately, you know, you  
13 have to look at the entire criteria and come to a  
14 conclusion of what's the best of the bad choices  
15 sometimes.

16 Q. And then in Roman numeral II, back again to the  
17 top for federal law, the first sentence says,  
18 "Redistricting plans shall also comply with federal law  
19 and the Voting Rights Act of 1965 as amended." Based on  
20 this criteria, what do you understand as compliance with  
21 the Voting Rights Act to entail?

1 MS. HOLLINGSWORTH: Objection to form.

2 THE WITNESS: I'd say it's twofold -- well, or  
3 most specifically, it's we're not going out and  
4 creating, the race being the driver in the decision of  
5 drawing the line.

6 BY MR. CUSICK:

7 Q. So, if race is not the driving factor, that  
8 would mean a redistricting plan complies with the Voting  
9 Rights Act?

10 A. Well, I mean, I can read it to you. I think it  
11 does a good job of explaining it: "Race may be a factor  
12 considered in the creation of redistricting plans but it  
13 shall not be the predominant factor motivating. "I  
14 think that paragraph does a good job of explaining what  
15 compliance in the eyes of the Voting Rights Act of '65  
16 looks like.

17 Q. So, it reads at the second portion, "shall not  
18 unconstitutionally predominate." What would be a  
19 constitutionally permissible way for race to  
20 predominate?

21 MS. HOLLINGSWORTH: Object to form.

1 THE WITNESS: You know, it'd be difficult for me  
2 to come up with a hypothetical. Certainly, if you  
3 wanted to give me a hypothetical, I can attempt to tell  
4 you, but I'm not a constitutional lawyer by any stretch  
5 of the imagination, myself, in practice.

6 BY MR. CUSICK:

7 Q. Do you recall any statements that compliance  
8 with the Voting Rights Act might be a compelling reason  
9 for race to predominate and be constitutionally  
10 permissible?

11 A. I do not recall such a thing.

12 MR. CUSICK: I think I'll take a moment here,  
13 Ms. Hollingsworth, and have a natural break. I know  
14 we're up at 12:40 right now and, you know, happy if we  
15 want to break here. I'm happy to still go. I don't  
16 have any exhibits for the next set of questions, but  
17 also I know that Representative Jordan has been going at  
18 this for some time. So, it's whatever you think makes  
19 more sense.

20 MS. HOLLINGSWORTH: Yeah, I think now is fine to  
21 take a lunch break.

1 MR. CUSICK: Sure, and we can go off record.

2 VIDEOGRAPHER: Okay. Off the record at

3 12:41 p.m.

4 (Lunch recess was taken.)

5 VIDEOGRAPHER: This is the beginning of media

6 unit number 3. Back on the video record at 1:30 p.m.

7 BY MR. CUSICK:

8 Q. Hey, Representative Jordan, it's good to see you  
9 back from break. I now want to talk just a little bit  
10 about the redistricting committee's public hearings.

11 We'd talked in broad strokes about them from September  
12 8th, which was the first one, to the October 4th final  
13 two in Columbia. Do you recall those hearings  
14 generally?

15 A. I do.

16 Q. Before -- between the adoption of the criteria  
17 that we talked about just before we broke for lunch, on  
18 August 3rd, and the first meeting on September 8th, did  
19 the Redistricting Committee create any public education  
20 materials about redistricting?

21 A. No, I don't believe so. I do recall talking to



1 a few different representatives who were going to  
2 encourage people in their area to let people know that  
3 there was an opportunity for a public hearing. But, no,  
4 the answer to your question is, not to my knowledge.

5 Q. And was -- during that same time period from  
6 August 3rd to September 8th, were there any efforts by  
7 the Redistricting Committee to advertise the hearings or  
8 publicize them in forums or newspapers or social media?

9 A. I don't believe there were any -- you know, I  
10 think we put them on the website and we sent e-mails to  
11 House members to let them know, and the idea, if I  
12 remember correctly, was to use the members of the House  
13 as sort of a vehicle to help with that. Also, I think  
14 we received inquiries from folks during that time about  
15 different things and, of course, we would respond to  
16 those and let those folks know.

17 Q. Now, I know initially, from my recollection, the  
18 10 or 11 meetings, there was only going to be one option  
19 that had remote testimony; do you recall that?

20 A. That's a good question. Would it be possible to  
21 get Mr. Cusick back on the screen so I can see him?

1 MS. HOLLINGSWORTH: John, we don't have you on  
2 video.

3 THE WITNESS: It's just easier to see and hear  
4 the question.

5 MR. CUSICK: Oh, that's weird. Am I not on  
6 video for others?

7 COURT REPORTER: You are. You might just need  
8 to change your view to gallery.

9 MR. CUSICK: At least for me it's on gallery.

10 COURT REPORTER: Correct for me as well. I can  
11 see you.

12 MR. BURCHSTEAD: I see you on video.

13 MS. HOLLINGSWORTH: I don't know how it's  
14 changed from earlier. It doesn't show -- it only shows  
15 the two participants.

16 MR. CUSICK: We can go off record for a moment.

17 VIDEOGRAPHER: Off the record at 1:35 p.m.

18 (Off the record discussion was had.)

19 VIDEOGRAPHER: Back on the record at 1:36 p.m.

20 BY MR. CUSICK:

21 Q. Representative Jordan, I'll repeat the question.

1 We were talking about those public hearings from the 8th  
2 to October 4th, and do you recall that initially only  
3 one of those hearings was going to have remote testimony  
4 options for folks to testify at?

5 A. I do.

6 Q. Why did only one of the hearings initially have  
7 an option for remote testimony?

8 A. My thought, honestly, was it would be adding a  
9 layer of technical issues, and my experience has been  
10 that's usually a recipe for a mess when you try to do it  
11 on the road, so to speak. By allowing folks the  
12 opportunity to come out in person by literally going all  
13 across the state, that would provide sort of an  
14 in-person opportunity. And then for anyone and everyone  
15 who either wasn't available on that particular night in  
16 their area or couldn't get out and come to a meeting,  
17 then we would provide another opportunity for those  
18 folks to participate through another medium.

19 Q. Do you think remote testimony options are a  
20 useful tool generally?

21 A. I do.

1 Q. I know that I might mess up the name, is it the  
2 Election Law Subcommittee? Is that the other one you're  
3 a member of?

4 A. That's right.

5 Q. And do they use remote options for testimony?

6 A. At times we have. Not all the time but at  
7 times.

8 Q. I know you mentioned a concern about the  
9 technological aspect. Did you, at all, assess whether  
10 it would have been feasible to set up remote options at  
11 any of the other physical locations where the meetings  
12 were held?

13 A. Well, yes and no. It was -- I definitely  
14 considered it and discussed it with some folks. I'll  
15 point you back to my prior testimony when establishing  
16 every location was a moving target. I think we got --  
17 even a couple of the locations weren't finalized until  
18 we were pretty close to the beginning of the tour. So,  
19 I think that moving target, so to speak, played a factor  
20 in it, and I can give you an example too. The very  
21 first meeting the Ad Hoc Committee had, we were delayed

1 by about 30 minutes because of a technology issue. So,  
2 all those things kind of put together, in my mind, made  
3 it feasible to, again, have these multitude of meetings  
4 in person across the state and then provide another  
5 remote meeting.

6 Q. I know you referred to yourself in that  
7 decision. Was that your decision as chair, or did other  
8 committee members have a say or influence the decision?

9 A. I discussed it and I think we even discussed it  
10 on the record at least on one occasion, but ultimately I  
11 believe it was my decision.

12 Q. Do you agree that having only an in-person  
13 option for concern meetings would limit participation  
14 for those who couldn't attend in the physical location?

15 A. I would agree with that if there were not remote  
16 sessions offered, yes.

17 Q. Who made the determination that some of the  
18 meetings would be held from 6:00 to 8:00 p.m.?

19 A. I'd say that was very similar to the technology  
20 aspect of it. I mean, I probably talked it over but,  
21 ultimately, I think the final decision -- you know, I

1 certainly consulted several people -- but I think the  
2 final decision probably rested with me.

3 Q. Do you recall any oral or written feedback that  
4 you received during these hearings about people being  
5 unable to attend in person?

6 A. I think I could probably say I got feedback on  
7 -- I probably got feedback during the course of this  
8 thing for every way we did it and against every way we  
9 did it, so, yes.

10 Q. I know you've talked about some of the  
11 constraints with COVID on locations for where you could  
12 hold the hearings. But, I guess, before that  
13 determination, what factors went into what cities or  
14 counties the hearings would be physically held in?

15 A. So, I looked back at the locations of the prior  
16 redistricting. For 2010, there was, in fact, public  
17 hearings offered across the state. I also looked at the  
18 Senate, you know, they were a little bit ahead of us on  
19 a time line. They actually chose to begin their tour  
20 prior to we did by just a little bit. So I looked at  
21 where the House had been previously, where the Senate

1 was going, their schedule, and then tried to make sure  
2 we were in enough places that were geographically spread  
3 apart but also near places where people could get to, if  
4 that makes sense.

5 Q. Were you aware that the Senate had remote  
6 options for their public hearings?

7 A. Yes.

8 Q. Did you at all ever discuss or talk about how  
9 they went about doing that?

10 A. Did I discuss with the Senate?

11 Q. Any of the folks who were involved on the Senate  
12 side with, you know, coordinating those public hearings.

13 A. I did not.

14 Q. From your side who -- I think I might have heard  
15 this before -- would Ms. Dean be the primary person that  
16 would have information on the coordination of the  
17 physical locations, or would that be someone else within  
18 -- another staff member?

19 A. That would be Ms. Dean. She was the primary  
20 person for purposes, you know, I would say of -- if we  
21 looked at and said we want to go to Florence, then she

1 would look and say, all right, this is where we went in  
2 Florence, and she'll communicate with that venue to see  
3 if they were available and would let us come.

4 Q. You mentioned looking back at -- did I hear you  
5 right, there were public hearings during the 2010-2011  
6 redistricting cycle on the House side?

7 A. That's right.

8 Q. Did you look at any -- I guess, or was there any  
9 record of public testimony that was available to review  
10 from that cycle?

11 A. I'm not aware if there was or not. I did not  
12 see any.

13 Q. Did you review any other documents related to  
14 redistricting in 2010, in that redistricting cycle, that  
15 impact or relate to the House districts from 2010?

16 MS. HOLLINGSWORTH: Object to the form.

17 THE WITNESS: You know, much of the case law I  
18 would -- pertaining to 2010, as it was in existence  
19 prior to that so, I guess that -- I mean, if you're  
20 asking specifically to, you know, the 2010 process, I  
21 did not look at a great deal of information directly



1 connected to how the House did it then.

2 BY MR. CUSICK:

3 Q. Did you at all review the pre-clearance  
4 submission from 2010?

5 A. I'm aware of its existence, but I did not review  
6 it specifically.

7 Q. Do you know if it was available publicly online  
8 anywhere?

9 A. I do not know.

10 Q. During the -- I'll jump back now to the  
11 September 8th to October hearings. During the physical  
12 hearings, did you at all, or the committee, collect  
13 written testimony?

14 A. Yes, we requested or, you know, I encouraged it  
15 in the meetings. I think at every meeting I would say,  
16 if you would like to submit written testimony, the  
17 committee would be glad to take it. There were many  
18 people that took the time to prepare their comments in  
19 writing and would come to the meeting. And from my  
20 perspective, that would make it easier to go back and  
21 look at those once we got further down the road. So,

1 yes, that did take place and we did encourage that.

2 Q. Where were all the written testimony and those  
3 documents stored or housed that you collected during  
4 those meetings, or was that submitted?

5 A. It would be submitted and then it would be in  
6 the care of the Judiciary Committee.

7 Q. Were those written comments ever publicly shared  
8 or publicly posted?

9 A. I don't think they were publicly posted. They  
10 were available to the members of the committee.

11 Q. Do you think there would have been any benefit  
12 to including those on the Ad Hoc committee's website,  
13 public and written testimony?

14 A. As I look back, I don't know that it would have  
15 been helpful or harmful.

16 Q. Are you aware whether the Senate published  
17 written comments that it received with redistricting  
18 plans and feedback?

19 A. I'm not.

20 Q. After you received all of the written comments  
21 and oral testimony during these hearings, what did the

1 Redistricting Committee do with the transcripts and the  
2 written documents?

3 A. The comments were compiled and are in the  
4 possession of the House Judiciary Committee from when  
5 they came in. Members of the committee had the  
6 opportunity to go and review or see those comments for  
7 review and consideration moving forward.

8 Q. Did any staff members synthesize those comments  
9 or provide key themes that were raised?

10 A. No, I don't think it was any kind of summary or  
11 anything like that. I will say, when you go around the  
12 state, you hear the same thing repeatedly sometimes.  
13 But nothing was done by staff to synthesize  
14 particularly.

15 Q. I won't hold you to knowing what other members  
16 reviewed, but did you review all the comments that were  
17 submitted during those hearings?

18 A. I hesitate to say all just because, you know,  
19 but I reviewed hundreds and hundreds of submissions,  
20 yes.

21 Q. Was the storage of those documents, were those

1 ever shared or accessible to members outside of the  
2 Redistricting Committee?

3 A. I don't know the answer to that, I don't recall.

4 Q. Might that be a question that Ms. Dean would  
5 know?

6 A. She would probably be able to tell you who had  
7 access to reviewing those documents.

8 Q. Were any of those documents available in the map  
9 room?

10 A. I don't believe they were in the map room. I  
11 think if you didn't get a hard copy like I did, then you  
12 would need to go to the Judiciary Committee, which was  
13 not in the map room, obviously.

14 Q. I'm now going to just briefly ask you a couple  
15 of questions about letters that were sent to the  
16 Redistricting Ad Hoc Committee and House Judiciary  
17 Committees. I have uploaded these in Veritext, the  
18 Exhibit Share, and the first one's marked as Exhibit 5,  
19 and the heading is, Duty to Comply with U.S.  
20 Constitution and Voting Rights Act and Recommendations  
21 for Transparency, Public Involvement, and Fair

1 Representation in South Carolina's Redistricting Process  
2 as Plaintiffs' Exhibit 5. I'm not going to ask you  
3 about the specific content in here, Representative  
4 Jordan, but please feel free to review it just to see if  
5 it at all helps refresh your recollection if you  
6 remember reviewing this document at some point.

7 A. Yes, I remember this document.

8 (Exhibit 5 marked for identification and  
9 attached to the transcript.)

10 Q. And you'll have to bear with me because I'm  
11 going to do this for three more letters. So this is  
12 what I've marked as Exhibit 6, which is another letter  
13 titled, Follow-up Recommendations for Transparency,  
14 Public Involvement, and Fair Representation in South  
15 Carolina's Redistricting Process, which was sent to the  
16 Redistricting Ad Hoc Committee, Judiciary Committee on  
17 August 30, 2021, and this is Plaintiffs' Exhibit 6.  
18 Again, Representative Jordan, take a moment to review  
19 this document to see if this is something that you  
20 remember at some point receiving or reviewing?

21 A. Yes, I remember this document as well.

1 (Exhibit 6 marked for identification and  
2 attached to the transcript.)

3 Q. We're more than halfway there, so here's the  
4 third one that I'll have to do, but I feel like at least  
5 I'm not asking questions about the document itself.  
6 This is marked as Plaintiffs' Exhibit 7 and the letter's  
7 titled, Follow-up on Recommendations for Transparency,  
8 Public Involvement, and Fair Representation in South  
9 Carolina's Redistricting Process and was sent to the  
10 Redistricting Ad Hoc and the House Judiciary Committees  
11 on September 27, 2021. Representative Jordan, take a  
12 moment to review this document to see if you recall at  
13 some point receiving and reviewing it?

14 A. Yes, this feels familiar as well.

15 (Exhibit 7 marked for identification and  
16 attached to the transcript.)

17 Q. And the final one, which is Plaintiffs' Exhibit  
18 8, this document is labeled, Submitting Proposed  
19 Congressional and House Maps, and it was sent to the  
20 Redistricting Ad Hoc and House Judiciary Committees on  
21 October 8, 2021. I'll let you take a moment to review

1 this, Representative Jordan, just to see if you remember  
2 receiving and reviewing these documents.

3 A. Yes, this feels familiar as well.

4 (Exhibit 8 marked for identification and  
5 attached to the transcript.)

6 Q. And do you recall at some point reviewing a  
7 state legislative House map that was proposed by the  
8 South Carolina State Conference of the NAACP?

9 A. I do.

10 Q. I now want to get to questions about the map  
11 room to help me understand just a little bit more about  
12 what it means, and we're done with those four exhibits.  
13 So, I'm wondering if you could tell me what is the map  
14 room, Representative Jordan; how would you describe it?

15 A. The map room is the area in which computers are  
16 located so that members can go in and see on a screen  
17 where the population of -- where the people of South  
18 Carolina live and see -- I'm going back in time now, but  
19 the process of going in the map room is to see what  
20 their districts that they represented looked like and  
21 where the population was and is currently in order to be

1     able to then make or draft a district proposed -- in  
2     order to propose a district.

3     Q.         So who, I guess, who oversaw or who was  
4     responsible for overseeing the map room or the processes  
5     within the map room?

6     A.         So, the Ad Hoc Committee, just like we adopted  
7     criteria, we adopted map room procedures in order so  
8     that the map room process could flow efficiently. So, I  
9     guess I'd start with those procedures were established  
10    by the Ad Hoc Committee, and then primarily staff would  
11    be in charge of kind of conducting the day-to-day,  
12    making sure the map room was open and appointments, you  
13    know, take place, et cetera.

14    Q.         And would it be fair to say all 124 legislators  
15    had access to the map room, House Representative  
16    legislators, had access to the map room if they so  
17    requested?

18    A.         Absolutely.

19    Q.         Was there anyone outside of the House or the  
20    Redistricting Committee staff and representatives who  
21    had access to the map room?



1 A. Run through that list again, members of the  
2 House, staff?

3 Q. Yep, just those two buckets.

4 A. Not that I can think of.

5 Q. And I've seen -- well, hopefully you can correct  
6 me -- I've seen the name Thomas, is it Hager or Hager?

7 A. Close enough.

8 Q. First, Hager or Hager?

9 A. I've heard it said many, many, many different  
10 ways.

11 Q. Fair enough.

12 A. And he doesn't usually correct anyone.

13 Q. What was his role within the map room?

14 A. I would refer to him as sort of the chief  
15 technical person. He would be the person in the room  
16 with the skill set to operate the equipment. It's not  
17 unsophisticated.

18 Q. What's his title?

19 A. I don't have it in front of me. Again he'd be,  
20 in my mind, the chief technical person.

21 Q. From your understanding and interactions in the

1 map room, was he providing any input into drawing maps,  
2 or was he solely drawing the maps from a technical  
3 perspective at the direction of House Representatives?

4 A. The latter, he would obviously tell a member  
5 you've drawn out a deviation, that sort of thing, but  
6 for purposes of drawing a district, he was there simply  
7 to assist a member to do what they directed him to do.

8 Q. Got it. So, he would primarily offer, to the  
9 extent as we talked about earlier, the standard  
10 population deviation, if there were any concerns within  
11 the proposed map?

12 A. Correct, and, I guess, he could assist in the  
13 sense of -- bear in mind I include myself in this -- if  
14 an individual member goes in, they might say put that  
15 block here. Well, that's 10,000 people in that block,  
16 that's not going to work. So, he could assist in that  
17 respect, but not telling them do this, do that, so to  
18 speak.

19 Q. I'm going to go through a couple of other names  
20 and please correct me if I pronounce anything wrong, but  
21 do you know who Sarah Grace Williamson is?

1 A. I believe she was one of the interns.

2 Q. An intern that -- I guess, what would her role  
3 have been within map room processes or procedures?

4 A. So in the map room, if I remember correctly,  
5 there was three stations. So, Thomas is obviously, like  
6 I said, sort of the chief technical person, but he had  
7 interns that would assist and then would -- he couldn't  
8 sit with everyone all the time, obviously, either. So  
9 the intern would sit with the member and, you know, the  
10 member would say click here, click there, and they would  
11 operate the equipment.

12 Q. Got it. Do you know where -- were the interns  
13 in college, grad school?

14 A. I believe most were in college.

15 Q. Do you know who Jolie Eliza Dequit is?

16 A. Intern as well.

17 Q. Intern?

18 A. I believe intern.

19 Q. And then Megan Goyak or Goyak?

20 A. I believe intern.

21 Q. Daniel Englee, Englea?

1 A. That doesn't jump out to me.

2 Q. Sebastian Bass?

3 A. I believe intern.

4 Q. Did anyone from the governor's office have  
5 access to the map room related to the House districts?

6 A. No, I do not believe so.

7 Q. Did Mr. Dennis have access to the map room?

8 A. He did.

9 Q. How would you describe his role within the map  
10 room?

11 A. I'd say within the confines of the map room, I  
12 think one of his titles is chief legal counsel to the  
13 House. So, as an attorney to essentially every member  
14 of the House, he would be -- he would have access in  
15 that respect.

16 Q. I guess from your interactions in the map room  
17 and, again, not going into any of the content of the  
18 discussions, did he provide any feedback or guidance on  
19 maps that you proposed for House District 63?

20 A. I don't believe he did for 63, no. Again, I'll  
21 point you back to my prior testimony: 63 is a small

1 geographic area to start with. The population kept up,  
2 essentially, with the average pace of South Carolina.  
3 My time working on 63 was pretty limited. I think I met  
4 one time with -- I might have looked at it maybe two or  
5 three times.

6 Q. Was there a process for signing up to the map  
7 room?

8 A. There was.

9 Q. Was that another responsibility that Ms. Dean  
10 would have been in charge of?

11 A. It would have floated -- that process would have  
12 floated through the Judiciary Committee, so to that  
13 extent, yes.

14 Q. I know that you mentioned you did not maybe  
15 spend a lot of time in the map room, but how many times  
16 did you visit it to draw maps that you proposed?

17 A. I was in the map room a fair amount. My  
18 testimony was, or was meant to be just for District 63,  
19 I wasn't there a ton, but I was in the map room a fair  
20 amount.

21 Q. I guess, what was your role within the map room

1 outside of proposing any maps for House District 63?

2 A. Just as the chair of the committee and make sure  
3 everything was flowing like it should, you know, people  
4 -- efficiency. And I'm sure we'll get to this in a  
5 little bit, but this was sort of a tiered process. As  
6 members would come in and draw drafts of districts,  
7 eventually, you have to connect that district to other  
8 districts and those areas of the state to other parts of  
9 the state, and I participated in that as well.

10 Q. I guess to the extent you recall, do you know  
11 how many interactions or how many days you were  
12 interacting with folks in the map room during the  
13 process?

14 A. I mean, it'd be speculation. If the map room  
15 was open for, let's say, 30 days, I was probably in  
16 there 7 or 8 of those days, maybe a little more.

17 Q. Did you offer at all any feedback or guidance on  
18 how proposed maps might comply with the redistricting  
19 criteria or guidelines?

20 A. Well, bear in mind that, again, back at that  
21 starting point, for the most part, districts started

1 from where they were drawn ten years ago, and then  
2 members would draw their -- sort of draw their districts  
3 or draw the district they represented in ways to comply  
4 so -- within the deviation -- so at times, yes.

5 Q. Do you recall, were there any concerns or  
6 complaints about the map room process that were brought  
7 to your attention?

8 A. Not that I recall.

9 Q. I guess, if you could walk me through, you know,  
10 if you were a legislator that was just going for the  
11 purpose of drawing your House district, what would that  
12 process -- you've already signed up, you're going into  
13 the map room -- what would that entail?

14 A. You show up at your appointed time, you sign in,  
15 you sit with a technician, could be an intern, could be  
16 Thomas. They pull up on the screen the district,  
17 essentially, and then from there you're looking at  
18 really a point-and-click kind of thing to either remove  
19 population out of your area to get yourself into a  
20 compliance as far as a deviation goes, or you're  
21 clicking population into your area to try and increase

1 your population into compliance. And then during the  
2 course of that process, you have the opportunity, when  
3 you so choose, if you so choose, to say, all right, I  
4 want to save this version as something to hold on to and  
5 consider. Some members might save one, some might save  
6 five or six, that's kind of a standard meeting -- or  
7 attendance, if that makes sense.

8 Q. Yes, I just want to make sure there wasn't  
9 anything else. When folks were in the map room and  
10 drawing these or asking for assistance to draw maps, was  
11 the primary consideration whether it complied with the  
12 total population standard, at least for the initial  
13 proposed maps?

14 A. That was certainly at the core of it. Again, we  
15 have that criteria, but remember also you're starting  
16 from a place that complied with the criteria. So, I'd  
17 say it's all baked in the cake.

18 COURT REPORTER: I'm sorry, it's all based on  
19 what?

20 THE WITNESS: Baked in the cake.

21 BY MR. CUSICK:



1 Q. Did -- in the maps that were drawn by each  
2 member initially, were there opportunities to include  
3 notes or explanations for why a district might be drawn  
4 a certain way?

5 A. I don't believe so. I think it was just, you  
6 could say, the technical version of the map.

7 Q. Was there -- I guess, did -- was there anything  
8 where folks could identify communities of interest that  
9 they were trying to preserve in the drafts that they  
10 drew?

11 A. Well, bear in mind most of these folks were --  
12 or all these folks were current representatives, so they  
13 knew their area, for the most part, pretty good. Most  
14 of the meetings as I can recall sitting in on or being  
15 in the room, a member could look at a map and say, well,  
16 the so-and-so community or that's -- there's a lot of  
17 institutional knowledge with the minds of the member as  
18 to the geographical footprint of the district they  
19 represent.

20 Q. And I know you mentioned -- we'll talk about the  
21 tiered process, but for the initial maps that were

1 drawn, did legislators all have access to review ones  
2 that other legislators drew, or was there -- I guess,  
3 let me rephrase that. Was there, like, a place where  
4 all the maps were housed that legislators could look to  
5 draw House district maps?

6 A. You really -- you had access to your map. Now,  
7 many, many legislators would come with either members of  
8 their delegation or their entire deligation on a few  
9 occasions or perhaps their neighboring -- wasn't a whole  
10 deligation, might perhaps be their neighboring district  
11 member, so to speak. So, you know, some of this, a lot  
12 of things happen in concert in that context. So, to  
13 that degree, you would have access to the other  
14 versions, but not if -- not unless you basically said it  
15 was okay to share your work product.

16 Q. Did you, for your delegation in the districts  
17 that neighbored yours, did you go to the map room with  
18 those representatives to talk about it?

19 A. I had several conversations during the course of  
20 it. I don't think we were -- I can't remember if we  
21 were all there together or not, to be honest with you.

1 But I know for -- in my delegation, it would be Philip  
2 Loe, Roger Kurby, and Terry Alexander. And I had  
3 communications with all those individuals related to  
4 Florence County.

5 Q. Do you recall when the map room process ended or  
6 -- I guess, let me rephrase that. How long did the map  
7 room process take place over the course of -- generally?

8 A. It was about a month.

9 Q. I'm now going to pull up, and hopefully it  
10 should be in Exhibit Share, what's marked as 2021  
11 Redistricting Map Room Policies and Procedures, which  
12 has a Bates stamp numbering of SC\_HOUSE\_0091425 through  
13 0091426 as Plaintiff Exhibit 6. Let me know if you were  
14 able to pull that document up, Representative Jordan?

15 A. Yes.

16 (Exhibit 9 marked for identification and  
17 attached to the transcript.)

18 Q. Is this the document you referred to before  
19 about the policies and procedures that the Redistricting  
20 Committee created for the map room?

21 A. Yes.

1 Q. I'd like to turn to what's marked as, I guess,  
2 paragraph or bullet 11, which carries over on pages 1  
3 and 2. Let me know when you -- if you want to have a  
4 chance just to review that real quickly.

5 A. Okay.

6 Q. So, in the -- I think it's the last sentence.  
7 It begins with, "Although any demographic or political  
8 data." Do you see that, the last full sentence?

9 A. Yes.

10 Q. What demographic data was available through the  
11 redistricting software?

12 A. Honestly, I can't tell you the total -- that'd  
13 probably be a better question for someone with a little  
14 more technical skill than me. When I was in the map  
15 room, I don't recall that question being answered or  
16 being asked in front of me.

17 Q. And maybe you'll have the same answer but, do  
18 you know what political data is referenced here in the  
19 next one?

20 A. I don't.

21 Q. And then in the last portion of this sentence,

1 it says that, "Printed maps reflecting racial,  
2 political, or other demographic data will not be made  
3 available." Do you see that?

4 A. Yes.

5 Q. What does that refer to when it says racial  
6 demographic data would not be made available on printed  
7 maps?

8 A. So, when you draw a proposed district then you  
9 can print out -- you say I want to save that district,  
10 you could have it printed. And, so I'm assuming that's  
11 to mean that data would not be available in print form  
12 on that map.

13 Q. When you were reviewing proposed maps, could you  
14 see any data about the Black population or Black voting  
15 age population in the software?

16 A. I believe the software had the capability, but  
17 most of the time when I was in there, folks focused on  
18 deviation of the overall population.

19 Q. And then in the second full sentence in this  
20 paragraph, it states, "Additional copies will be  
21 available if approved by Speaker Lucas or Chairman

1     Murphy." Did I read that correctly?

2     A.        You did.

3     Q.        Do you know what it means here by approved?

4     A.        If I remember correctly, this was just a way --  
5     we didn't want folks coming in and saying I want 1,000  
6     copies. This was an efficiency kind of thing.

7     Q.        Got it. So, it's mainly just to avoid having  
8     many maps that were drawn and printed out?

9     A.        Correct.

10    Q.        Okay. I guess now maybe -- and I know you  
11    referenced earlier about the tier process. So, the map  
12    room process ends, I think it was sometime in the first  
13    week of November. What happened with all the proposed  
14    maps that were drawn and saved?

15    A.        So, those were essentially compiled. From  
16    there, we have to get to a working sort of -- again,  
17    sort of another -- a starting point for the next phase.  
18    Once that map room closes, then you -- I think the next  
19    thing to pop up would have been the staff plan, staff  
20    House plan. That would be the next thing, if I remember  
21    correctly, in the time line.

1 Q. Got it. So, would it be fair to say that tier 1  
2 was the map room, in the sense of all potential maps  
3 were drawn there?

4 A. Yes.

5 Q. And then the tier 2 process involved creating an  
6 initial working draft of a full map?

7 A. Yes, but I'm leaving out one part in there. So,  
8 part of piecing it all together was also folks would  
9 draw their districts, and many times they would take  
10 into consideration or, as I said, work in concert with  
11 their neighbors or delegations. But you still have to  
12 sort of fine-tune connecting points. I'd say that was  
13 sort of done in two phases. Thomas, as the most  
14 technically sophisticated, was able to do much of that,  
15 and then the Ad Hoc Committee also helped participate in  
16 that part of the process as well.

17 Q. And were those two sub-phases, if you will, were  
18 those -- those were parts after the map room process  
19 closed?

20 A. Yes. Yes.

21 Q. And, I guess, as the maps were being compiled,

1 who oversaw that process of putting together a working  
2 draft, or who was responsible for organizing,  
3 facilitating that initial draft?

4 A. You know, again, I think it's sort of two parts.  
5 On the one hand, I would communicate with the Ad Hoc  
6 Committee member in that area of the state. It'd help  
7 in connecting the sort of -- I guess the joints of the  
8 map, so to speak. So, on more than a few occasions,  
9 you'd get two members of the Ad Hoc Committee whose  
10 areas connected up, and they would sit down and sort of  
11 see how the points on the map would connect to each  
12 other. And then also, you also have going on  
13 simultaneously, or in addition to that, staff  
14 fine-tuning that as well. I mean, it's a lot of moving  
15 parts. It's not -- it's just a lot happens, kind of  
16 thing. It's got a lot of moving parts.

17 Q. So in this tier 2 phase of creating the map,  
18 I've heard Mr. Hager, Ad Hoc Committee folks and stuff.  
19 Was anyone else outside of the Ad Hoc Committee involved  
20 in pulling together the initial plan working draft?

21 A. I'd say that the staff and Ad Hoc Committee



1 would be the primary components, yes.

2 Q. Who else outside of that would -- who outside of  
3 that was involved?

4 A. That's essentially it.

5 Q. Did -- I guess, Representative Murphy have any  
6 role in developing that initial plan?

7 A. No, I don't think -- at that juncture,  
8 Chairman Murphy didn't really have much to do with that  
9 part of it.

10 Q. Speaker Lucas?

11 A. I think the speaker did help a little bit in his  
12 part of the state, but not necessarily on the whole.

13 Q. Mr. Dennis?

14 A. I believe he was in and out of the process at  
15 times.

16 Q. What about Nexsen Pruet?

17 A. As counsel, legal counsel, they were really in  
18 and out of the entire process, so that's the easiest way  
19 to say that.

20 Q. Got it. So, I'm just trying to figure out the  
21 process point. So, all the maps were there, the group

1 of people you listed was working through an initial  
2 draft plan. Were legislators notified on the status of  
3 their proposed maps, on which ones either had been  
4 accepted, or were there any questions about proposed  
5 maps that the committee reached out to folks about?

6 A. I don't remember, myself, getting any specific  
7 questions. I mean, I think the more you work with your  
8 neighbor or your delegation, the more you probably had  
9 an understanding of where -- I can give you -- Horry  
10 County, for example, their delegation came in and met,  
11 and I don't think really anything was done to that  
12 corner of the state after their working together on it.  
13 It fit within the parameters and so didn't really need  
14 any fine-tuning, if that makes sense. If you didn't  
15 communicate with your neighbor or your delegation, then  
16 that made it a little more difficult to make everything  
17 match up within the deviation.

18 Q. Did any of the public proposed maps influence  
19 the initial working draft?

20 A. You mean the maps or the comments?

21 Q. For public maps that were submitted by members

1 of the public.

2 A. So, I can only speak to me but, yes, I reviewed  
3 those maps and took into consideration different aspects  
4 that they brought to the table, I'm sure.

5 Q. If there were disagreements or a delegation  
6 among its members couldn't resolve district lines, what  
7 was the process or who made determinations to resolve  
8 those conflicts?

9 A. I don't know. Again, if you're talking about,  
10 like, for instance, like (inaudible) they worked it out  
11 amongst themselves, essentially, by communicating and  
12 drawing. And I'm not aware off the top of my head of a  
13 specific example of having to say, you know -- choosing  
14 an A or a B. I'd point you back to the process. Once  
15 the staff proposal is out there, then the committee had  
16 to adopt it, and amendments are available to the members  
17 of the Ad Hoc Committee, and then as the process goes  
18 forward, the full Judiciary -- a member of Judiciary has  
19 the opportunity to offer an amendment, and then as we go  
20 forward, a member of the House of Representatives has  
21 the ability to offer an amendment to the process. So,

1 if anyone -- at some point in time, anyone in the House  
2 has the opportunity to offer an amendment to that  
3 process.

4 Q. So, I'll try to -- just to make sure we're on  
5 the same page because it will help me form the next set  
6 of questions -- so, we've talked about, if you'll bear  
7 with me, the tier 1 about the map room. We have tier 2  
8 that includes working on a draft proposal that included  
9 input from Mr. Hager, the Ad Hoc Committee, staff, and  
10 you know, counsel in developing an initial staff working  
11 plan. That's kind of tier 2, if you will?

12 A. That's a broad but fair description.

13 Q. And then was that initial -- once the -- it's  
14 hard because it's draft -- but once the initial draft  
15 was there, you know, an initial working draft with all  
16 124 districts in place, what was the next step once they  
17 were all pieced together?

18 A. So the next step, then it goes before -- well, I  
19 take that back. The next step -- and forgive me, I  
20 don't have the time line, so I'm going off of memory. I  
21 think we had additional public input opportunities, if

1 I'm not mistaken, and so we had that opportunity next in  
2 Columbia.

3 Q. I know we've talked about population equity and  
4 the redistricting criteria. Would it be fair to say  
5 that the Redistricting Committee relied on House members  
6 in drawing their district to assess whether those maps  
7 either complied or didn't comply with the criteria?

8 A. I'd say they're a piece of the puzzle. They're  
9 not -- I wouldn't say that's a whole 100 percent of it,  
10 but that's a component in it, for sure.

11 Q. I guess, and maybe this is -- I don't know if  
12 this is tier 3 -- but once you have the initial working  
13 map or the draft before it's publicized on November 8th,  
14 did anyone from the Redistricting Committee or staff  
15 conduct a district-by-district analysis to ensure that  
16 each district complied with the criteria?

17 MS. HOLLINGSWORTH: Object to the form.

18 THE WITNESS: So, I would say you just gave an  
19 explanation of all the different groups involved in the  
20 process. My point would be that's going on along and  
21 along and along at every layer of the process. So, I

1 don't think you could say, this is where that occurs; it  
2 occurs throughout the process.

3 BY MR. CUSICK:

4 Q. Got it. So, I guess, who would you say was  
5 conducting a district-by-district analysis of whether a  
6 proposed House district complied with the redistricting  
7 criteria?

8 MS. HOLLINGSWORTH: Object to the form.

9 THE WITNESS: I would say we relied on members'  
10 ability in that respect, staff and counsel all in  
11 conjunction, to meet that requirement.

12 BY MR. CUSICK:

13 Q. Was there any document produced or report that  
14 assessed how each district complied with the  
15 redistricting criteria?

16 A. Not aware of such a document.

17 Q. Did you at one point review the entire map, the  
18 initial draft map, before it was publicly posted?

19 A. Yes, I believe so.

20 Q. And did you undertake any steps to assess  
21 compactness in the 124 districts?

1 A. You know, again, I think that's going on all  
2 along in the process. Compactness, I think I can use  
3 that as an example, I think that -- number one, relying  
4 on in part from the starting point of the prior district  
5 and, number two, I'd say the member has a -- is a key  
6 asset in that as well as of determining it, but they  
7 know that district better in theory than anyone else in  
8 the building. So, again, that's happening along and  
9 along.

10 Q. Who within the Redistricting Committee was  
11 assessing whether a map complied with the Voting Rights  
12 Act?

13 A. I would say we would chiefly rely on counsel for  
14 that.

15 Q. That includes Nexsen Pruet?

16 A. Yes.

17 Q. Mr. Dennis?

18 A. Yes.

19 Q. Ms. Dean?

20 A. No, I don't know that I would -- Ms. Dean, she  
21 was wearing a lot of hats, especially, again, due to

1 Ms. Anderson's retirement. I don't know that I would  
2 say she was in the discussions as much as she was the  
3 logistics, again, of the tour, and then the map room,  
4 and then the legislation, making sure it got from A to  
5 B. I don't know that I would put that squarely on her  
6 as others.

7 Q. Were there any conflicts that you remember about  
8 competing communities of interest that were not resolved  
9 that required discussion from the Redistricting  
10 Committee?

11 A. I remember during different public comments we  
12 had testimony and e-mailed comments from situations like  
13 that. I don't remember off the top of my head  
14 specifics, but I do remember a few of those did arise,  
15 yes.

16 Q. And so I'll turn to, if you will, tier 3, which  
17 was -- let's say, the working draft map was finalized  
18 and published on November 8th; do you recall that?

19 A. Yes.

20 Q. And so do you remember when the first hearing  
21 was on that proposed map?



1 A. Not off the top of my head.

2 Q. I'm going to pull up what's marked as Exhibit  
3 10, and this is titled, The 2021 Working Draft, and it's  
4 a screenshot taken yesterday on April 11, 2022, of the  
5 South Carolina House Representatives Redistricting 2021  
6 Landing Page. And I don't know if you can zoom in or  
7 see it okay. I'm now looking at it, it might not be  
8 that visible, or it's not for me. Is it for you,  
9 Representative Jordan?

10 A. It gets blurry the more you -- blurrier the more  
11 you zoom in.

12 (Exhibit 10 marked for identification and  
13 attached to the transcript.)

14 MR. CUSICK: Ms. Hollingsworth, if it's okay, I  
15 could screen share if that's helpful, just to see if the  
16 PDF doesn't work as well.

17 THE WITNESS: I can make it out for the most  
18 part.

19 BY MR. CUSICK:

20 Q. Yes, so do you see that first -- I guess it's  
21 the only sentence there that has a star or an asterisk

1 that begins with, "The draft statewide map?"

2 A. I can see it, I can see the star, but it's -- I  
3 can read the blue easier than I can read the black small  
4 print.

5 Q. Right.

6 MR. CUSICK: Ms. Hollingsworth, would it be okay  
7 if I screen share? I'm on the site right now, and if  
8 that isn't too complicated?

9 MS. HOLLINGSWORTH: Sure.

10 BY MR. CUSICK:

11 Q. Does this work any better, Representative  
12 Jordan?

13 A. Much better.

14 Q. Do you want to take a moment just to read that  
15 sentence?

16 A. Yes.

17 Q. It said that there are some technical issues  
18 with the initial draft that was uploaded on  
19 November 8th; do you remember that?

20 A. I don't remember when it occurred. It was  
21 brought to my attention during one of our meetings that

1 happened after it occurred.

2 Q. And then the second sentence here essentially  
3 says that maps that are downloaded after 6:30 resolved  
4 any of the discrepancies; would that be fair?

5 A. I believe that's correct. Again, it was an  
6 issue that was resolved within a few hours, and I wasn't  
7 aware it occurred until much later.

8 Q. I'm going to pull down this screen share because  
9 I don't have any other questions, but I just want to  
10 keep it up just to make sure if there's anything else  
11 that you wanted to just look at, but I'll pull it down  
12 otherwise. And so I'm now going to turn to what is  
13 marked as Exhibit 11, which is video transcript from the  
14 November 10, 2021, South Carolina House Judiciary Ad Hoc  
15 Committee, which is a transcript that is available on  
16 the Redistricting Committee website of a hearing that  
17 started at 12 p.m. noon. Let me know when you have that  
18 document opened, Representative Jordan.

19 A. I have it.

20 (Exhibit 11 marked for identification and  
21 attached to the transcript.)

1 Q. Would you agree that members of the public had  
2 less than 48 hours to review the House's first draft of  
3 its map before this November 10th hearing?

4 A. Yes, I believe that's correct.

5 Q. Did you have any concerns that that wouldn't  
6 provide sufficient time to review the map?

7 A. No, given that, you know, we were trying to move  
8 as swiftly as we could and knowing that this was a -- it  
9 was a quick turn, but I don't think it was overly such.

10 Q. You testified before that during that tier 2  
11 stage, the groups that we identified were constantly  
12 reviewing the map. Do you know how long it took to  
13 create the first draft map after the House room process  
14 ended?

15 A. Several days.

16 Q. Do you recall any testimony during the November  
17 10th hearing raising concerns about members of the  
18 public having limited time to review the draft map?

19 A. I do recall that being expressed by a few folks,  
20 that they felt like it was quick.

21 Q. What did you think of those opinions?

1 A. If I remember correctly, that was one of the  
2 reasons why we certainly didn't take any action. I  
3 don't think we took action at that meeting and I  
4 specifically, you know, left the public input period  
5 opportunity open for folks to weigh in, to send comments  
6 for, you know, additional time so that it could give  
7 folks an opportunity to, number one, realize that there  
8 was a plan on the table and, number two, an opportunity  
9 to be heard on that.

10 Q. So, for shorthand I'll use the initial House  
11 draft plan, if that works for you, to refer to the one  
12 that was posted on November 8th at 6:30 or after 6:30.  
13 Who would you say was the full extent of folks that  
14 oversaw the final drawing of that map just before it was  
15 publicly posted?

16 A. You're talking about the original staff House  
17 plan?

18 Q. Yes, the initial one that was posted before any  
19 amendments.

20 A. I would say that's a combination of that process  
21 we've talked about where members came in and

1 participated and brought in their knowledge and, of  
2 course, certainly we molded it together, and then, if I  
3 remember correctly, I think I gave the final say to post  
4 the map, so to speak.

5 Q. During the consultation before the map was --  
6 the initial map was proposed -- did the Redistricting  
7 Committee contact every member to give them a status  
8 update of where their district was and what lines were  
9 drawn?

10 A. I don't believe so.

11 Q. Would it be fair to say that the initial House  
12 draft plan that was published was the first time that  
13 some members saw the way that their districts were drawn  
14 after the map room?

15 A. Well, yes, I'd say -- I'm guessing there'd be a  
16 handful of folks in that category, yes.

17 Q. I know you've talked about the Redistricting  
18 Committee, you know, trying to resolve conflicts with  
19 delegations and their input. Is there a quantifiable  
20 number of how many House members were consulted in the  
21 final stage of piecing together that initial draft map?

1       A.       It's hard to say because remember in that tiered  
2       process, you have members of the Ad Hoc Committee  
3       communicating back, I'm sure, with members of their  
4       region of the state. Some of -- and some of that's  
5       easier than others. If you live in an area that grew  
6       pretty heavily, it's a little more complicated. If you  
7       live in an area that lost population, it's a little more  
8       complicated. So, it's hard for me to quantify or  
9       guesstimate how many members were consulted in that  
10      process.

11      Q.       I know we talked about Representative Newton as  
12      Congressional District 5 and under the old map that he  
13      would have been represented. Does that include Richland  
14      County?

15      A.       I believe that -- I know it comes down and  
16      touches a little bit of Sumter. I can't remember if it  
17      grabs just a portion of Richland or not. If it does,  
18      it's a small piece.

19      Q.       Okay. And so I apologize for the many  
20      questions. I'm just trying to piece everything  
21      together. So, as the Redistricting Committee members

1 were talking to delegations with the draft map, was the  
2 Redistricting Committee then meeting and talking about  
3 updates from the delegations about what they were  
4 receiving or feedback?

5 A. Not at that point, no. Again, I found it was  
6 easier to -- kind of that pod system, where you bring in  
7 the Ad Hoc Committee not as a whole but in pairs of two  
8 from parts of the state where they connected to each  
9 other. So, you could sort of smooth out those, what I  
10 would kind of classify as, how the joints connected up  
11 by having those two individuals in the room. Is that a  
12 perfect process, no, but I think it worked okay.

13 Q. Before publicizing the initial House draft plan,  
14 the one that was -- you know, just before it was  
15 published -- who saw that plan in its last iteration  
16 before it was publicly posted: Just Redistricting  
17 Committee members, or did anyone else have review of it?

18 A. Members of the Ad Hoc Committee would have seen  
19 it, I believe. Certain members of the staff, we  
20 discussed counsel. I'm guessing that same type of  
21 circle would have seen it.



1 Q. Did you -- I guess, when members were drawing  
2 the maps in the map room, do you have any sense whether  
3 they were looking -- could they compare districts that  
4 they drew to ones that their colleagues drew, or was it  
5 only you could focus on one district at a time?

6 A. It would depend on sort of your approach. If  
7 you came in there by yourself and didn't consult your  
8 neighbor or your delegation, then you just focused on  
9 your district. If you collaborated with your  
10 neighboring districts or delegation members, then you  
11 could work together and see everything. I saw it  
12 approached both ways.

13 Q. Did you hear any concerns about the pairing of  
14 incumbents in the map that was initially proposed?

15 A. Yes, I did get some feedback, two phone calls  
16 saying that folks were unhappy with the --

17 Q. Do you remember who those representatives were?

18 A. I'm thinking I heard from Representative Kirby,  
19 my part of the state. I ran into Representative Govan  
20 at one point in time, who expressed that he wasn't happy  
21 with his part of the state. I think I had a phone call,

1 if I remember correctly, from Representative Davney,  
2 that he wasn't happy with his part of the state, and  
3 then I was made aware by a couple members of the Ad Hoc  
4 Committee that they received similar type of  
5 communications.

6 COURT REPORTER: I'm sorry, you're saying they  
7 weren't happy with? It sounds like -- I don't know what  
8 you're saying. Sounded like you said present day but I  
9 know that wasn't it.

10 THE WITNESS: Happy with their part of the  
11 state.

12 COURT REPORTER: Okay. Thank you.

13 BY MR. CUSICK:

14 Q. Do you have any understanding of why  
15 Representative Govan's district, what his concerns were  
16 with what happened with his district?

17 A. From what I remember, he just expressed that he  
18 was unhappy about it. You know, at the end of the day,  
19 population drives the train in this process, and if  
20 you've got an area of the state, like Pee Dee where I  
21 lived, that didn't keep up with growth, then you're

1 going to have a difficult time maintaining districts.  
2 So, in Representative Govan's part of the state, down  
3 around Orangeburg, in that area, and south of there.  
4 So, also you could have issues when you have parts of  
5 the state that are growing and it forces you to -- not  
6 to displace, but districts have to adjust to keep up  
7 that population. So, those were the parts of the --  
8 those are the issues, I guess, you see as a result of  
9 the changes in population.

10 Q. I guess, who was involved in determining that  
11 his district would be drawn out?

12 A. So, I go back to that tiered system.  
13 Ultimately, you kind of get input from members of a  
14 region depending on what the struggle is, whether it's a  
15 high population, members are going to have them put on  
16 where that new district needs to go, if you need a new  
17 district. Members are going to have -- conversing  
18 members are going to have input if they're in an area,  
19 say like that, that a population has shrunk. So, I'd  
20 say it's a combination of different -- you know, looking  
21 at many different versions of that area of the state.

1 That was one of the common things of districts coming  
2 together around his area.

3 Q. So, that would include the set of folks we  
4 talked about before, Ad Hoc Redistricting Committee  
5 members?

6 A. Yes.

7 Q. Mr. Dennis?

8 A. I don't know that Mr. Dennis participated in  
9 that part of the discussion. I think that was primarily  
10 an area -- members from that part of the state  
11 recognizing that there's -- if you draw your district,  
12 you've got to get to a number that's within that  
13 deviation. There's just so many people. Again, this is  
14 population driven. So, as far as where districts are  
15 combined or added to, members of that region of the  
16 state have a lot to say about it.

17 Q. And now I'm going to focus on just a couple of  
18 your remarks at this November 10th hearing that's  
19 Plaintiffs' Exhibit 11. And just so we're on the same  
20 page, I first just want you to begin on page 4 in line  
21 2, where you see "Representative Jordan" there.

1 A. Okay.

2 Q. And then just to make sure, I want you to scroll  
3 down to page 9. As you can see, this is, my  
4 understanding, to be your introductory remarks for this  
5 hearing, and when you get to page 9, let me know.

6 A. I'm here.

7 Q. And then if you could read lines 11 through 16  
8 and beginning on line 11, "the working plan."

9 A. "The working plan incorporates the process I  
10 just discussed including public input as well as input  
11 from the members of the House, and is informed by -- and  
12 is informed by South Carolina's voting patterns,  
13 history, and other relevant data and information."

14 Q. So, here in line 15, you say, South Carolina's  
15 voting patterns. What do you mean by that?

16 A. Again, I think that connects with population and  
17 growth and lack of growth, and those kind of things.

18 Q. Are you saying population growth?

19 A. I'm saying that's part of it.

20 Q. So population growth is part of South Carolina's  
21 voting patterns?

1 A. It's part of the -- where the people are is  
2 where they vote.

3 Q. Is there anything else outside of population  
4 growth for voting patterns?

5 A. Not off the top of my head.

6 Q. In that same -- the next one is South Carolina's  
7 voting patterns -- and then the second one here is  
8 history. What history do you mean here?

9 A. We would take into consideration all kinds of  
10 history. You referenced some of the civil rights  
11 history. When you showed me the slide a minute ago  
12 where the site was up and then down and back up again in  
13 a short period of time, one of the issues, if I remember  
14 correctly, there was -- because we had to condense or  
15 consolidate districts, we sent number 95, District 95,  
16 to Charleston County to Mount Pleasant, and one of the  
17 things that came up in that discussion was that's a  
18 historically relevant district number. It has a  
19 significance. That number, that district has historical  
20 civil rights significance, so taking that into  
21 consideration and one of the reasons why we wanted to

1 keep that number in the geographic region where it had  
2 been. So, in that final draft was one of a few minor  
3 changes, that it was putting that number back over in  
4 the Orangeburg area. That's just an example of the  
5 historical significance of a broad spectrum, so to  
6 speak.

7 Q. And the last portion of that says, other  
8 relevant data and information. What are you referring  
9 to here?

10 A. I'd have to go back and read -- I'm assuming  
11 that means population or something connected to that.  
12 When we talk about data, typically, that's numbers,  
13 people.

14 Q. And now I want you to, if you can for a moment,  
15 just scroll to the next page on page 10, and then to  
16 line 21, and let me know when you get there.

17 A. Okay.

18 Q. And you see in the sentence on the latter half,  
19 is says, "We believe"?

20 A. Okay.

21 Q. And I'll give you a moment just to read that

1 full sentence because my question is, who does "we"  
2 refer to here? But I'll let you have a moment to read  
3 that in case it's helpful.

4 A. I probably should have said, I believe. I don't  
5 think anyone on the committee who's worked with me would  
6 accuse me of getting my verbiage right. On a high  
7 percentage basis, essentially I'm communicating on  
8 behalf of the committee with that.

9 Q. Would it be fair to say that this initial -- the  
10 initial House draft plan before amendments was a product  
11 of the Redistricting Committee?

12 A. I think, yes, that's fair. Because, again, they  
13 all had knowledge and participation in it along with the  
14 process I sort of outlined earlier. It's a staff plan,  
15 that's how it's described, but they all had their hand  
16 in it to some degree, as did the members of the House,  
17 as did the public input individuals, as did the 2010  
18 plans. Again, it's a lot of different components.

19 Q. I want to now turn to just the next page, page  
20 11, beginning on line 1 with the sentence, "And that  
21 working plan." Do you see that for a moment?



1 A. Yes.

2 Q. If you could read for me beginning with "and"  
3 all the way to line 8 that ends with "congressional  
4 plans."

5 A. "And that working plan complies with the United  
6 States Constitution, the South Carolina Constitution,  
7 federal and state law, and is contiguous, compact, and  
8 properly considers communities of interest and  
9 encompassing. In all, we received 11 proposed  
10 redistricting plans from the public, 7 State House  
11 plans, and 4 congressional plans."

12 Q. So, when you say federal law here, does that  
13 include the Voting Rights Act?

14 A. Yes.

15 Q. Do you have an understanding on what Section 2  
16 of the Voting Rights Act is?

17 A. Again, limited. I would never claim to be a --  
18 as a lawyer, I always equated to folks, you know, it's  
19 like medicine. There's general practice doctors and  
20 brain surgeons and I'm certainly more of a general  
21 practice.

1 Q. Were you at all briefed or did you have any  
2 understanding of whether Section 2 proposed any  
3 affirmative obligations on the Redistricting Committee?

4 A. I have -- if I remember correctly, conversations  
5 related to that with counsel.

6 Q. And that means Nexsen Pruet?

7 A. Correct.

8 Q. Mr. Dennis?

9 A. I don't believe Mr. Dennis was in those  
10 conversations. I think that was primarily Nexsen Pruet.

11 COURT REPORTER: I'm sorry, that was primarily?

12 THE WITNESS: Primarily Nexsen Pruet.

13 COURT REPORTER: Thank you.

14 THE WITNESS: I'm going to get rid of this  
15 Southern accent one day, I promise.

16 BY MR. CUSICK:

17 Q. What's your understanding of some of those  
18 obligations under Section 2 of the Voting Rights Act?

19 MS. HOLLINGSWORTH: Object to the form. And I  
20 want to make sure we're not asking him to discuss the  
21 things that he -- information that he obtained in

1 discussions with counsel, which is what he just  
2 described.

3 BY MR. CUSICK:

4 Q. Definitely, and to be clear, your understanding  
5 on what you would share publicly as redistricting chair.

6 A. So, in referring back to kind of how I described  
7 my knowledge of the law in this particular field, this  
8 is an area in particular I would rely heavily on  
9 counsel. And, so in this particular area, whatever I  
10 got was primarily -- 99 percent would come directly from  
11 counsel in that respect.

12 Q. Are you familiar with the term majority-minority  
13 district -- sorry, might have said that wrong --  
14 majority-minority district?

15 A. I am.

16 Q. What does it mean?

17 A. A district in which the percentage of minority  
18 is a majority within the district.

19 Q. As redistricting chair, do you have any  
20 understanding whether the Voting Rights Act imposes a  
21 requirement to draw majority-minority districts?

1 A. Again, I would have gone to counsel on that, but  
2 my understanding was, it's to be given deference and to  
3 be looked at very carefully. I wouldn't say there's a  
4 fundamental absolute requirement there, but it's  
5 something to be addressed and looked at.

6 Q. Do you have any understanding on how you would  
7 make that assessment on whether to draw a  
8 majority-minority district?

9 A. Well, in this case, we had the ability to look  
10 at, coming into the process, so back to 2010. So, we  
11 could see how many majority-minority districts existed  
12 leading up to, and then see -- so you could see how many  
13 existed in 2010, how many without any changing of any  
14 lines would exist based on population changes presently  
15 in South Carolina. When I say presently, at the  
16 beginning of the redistricting process, so you could  
17 view it through that lens, I guess you could say.

18 Q. So, I understand this, was it your  
19 understanding --

20 MR. CUSICK: Sorry. I think that might be --  
21 Rob, you might be off mute maybe.

1 MR. TYSON: Sorry about that. I fell offline  
2 and just called back. Thank you.

3 MR. CUSICK: No worries.

4 BY MR. CUSICK:

5 Q. I guess, based on what you just said,  
6 Representative Jordan, is it your understanding that  
7 there was an obligation to maintain the same number of  
8 majority-minority districts compared to a previous plan?

9 MS. HOLLINGSWORTH: Objection to form.

10 THE WITNESS: No. I don't think there's an  
11 obligation necessarily to maintain. Again, we're driven  
12 by the population, but there's certainly a necessity to  
13 look at that issue.

14 BY MR. CUSICK:

15 Q. Are you familiar with the term an effective  
16 minority opportunity district?

17 A. I am.

18 Q. What do you understand that to be?

19 A. Well, it might not be a majority-minority  
20 percentage-wise district. It's a district, in my mind,  
21 that would provide an opportunity. So, it's not over

1 the 50 percent mark, but it would be not too far from  
2 that mark, if that makes sense.

3 Q. Would that opportunity be to -- for Black voters  
4 to elect a Black-preferred candidate?

5 A. In the context of minority, yes, I'd say that's  
6 a fair statement.

7 Q. Yes. And to be clear, in the context of a  
8 effective minority opportunity district, if we're  
9 talking about Black voters having effective minority  
10 opportunity districts.

11 A. I'd say that's fair.

12 Q. Did the Redistricting Committee have any  
13 understanding whether a House district needed to be  
14 drawn at a certain Black voting age population in order  
15 for it to perform for Black voters?

16 A. I'm sorry, did you say the Judiciary Committee  
17 or the Ad Hoc Committee?

18 Q. Ad Hoc Committee.

19 A. Ad Hoc Committee. Again, I can only speak for  
20 me. I would think that would be something that the  
21 members of the committee would understand.

1 Q. I hope I didn't mishear you, but I just want to  
2 clarify. Did you testify before that an effective  
3 minority opportunity district might have a, in the  
4 context of Black voters, a BVAP below 50 percent?

5 A. A minority-majority or an opportunity?

6 Q. Opportunity district, effective opportunity  
7 district.

8 A. Yes, it would have a percentage below 50  
9 percent.

10 Q. Are you aware of any effective minority  
11 opportunity districts for Black representatives in South  
12 Carolina with a BVAP below 45 percent?

13 A. I believe several exist. I don't have the map  
14 in front of me, but I believe there are several.

15 Q. Did the Redistricting Committee have any  
16 threshold for BVAP as it was considering districts, of  
17 what it should be?

18 A. Again, I can only speak for me as a member,  
19 single voting member, but looking at the issue as a  
20 whole, so to speak, and understanding that it's  
21 important to have -- to preserve minority-majority

1 districts and to have opportunity districts.

2 Q. Did the Redistricting Committee conduct any  
3 analysis to determine how districts would perform for  
4 Black voters with BVAPs below 50 percent?

5 A. I don't believe such analysis was done by the  
6 committee.

7 Q. Were you aware of any analysis that you received  
8 by the House Judiciary?

9 A. Not that I recall.

10 Q. I guess for a hypothetical, if a House district  
11 in the previous lines had a 60 percent BVAP, was there  
12 anything done by the Redistricting Committee to  
13 determine whether that BVAP should increase, decrease,  
14 or be maintained?

15 A. I think that would depend on the population  
16 growth or lack of growth in the area surrounding the  
17 district.

18 Q. And, I guess, what was your understanding of  
19 what analysis would need to be done to determine whether  
20 -- or what the BVAP would need to be to perform in a  
21 district?



1 MS. HOLLINGSWORTH: Object to the form.

2 THE WITNESS: You mean in an opportunity  
3 district?

4 BY MR. CUSICK:

5 Q. Yes.

6 A. I don't -- I hesitate to give a number off the  
7 top of my head. Again, that was sort of in concert with  
8 staff and counsel. The existence -- again, out of that  
9 population, like, if you -- like at an area like  
10 Charleston, where it had -- just in my mind I can see on  
11 the map -- several minority-majority districts where the  
12 population shifted over a period of time. So, now you  
13 might have one majority-minority and two opportunity  
14 districts as a result of the change in population.

15 Q. Now, without going into the content of any  
16 discussions, to the extent you can, did the  
17 Redistricting Committee take on any analysis to  
18 understand its compliance with Section 2 of the Voting  
19 Rights Act?

20 MS. HOLLINGSWORTH: Object to the form.

21 THE WITNESS: The committee would have relied

1 upon counsel for that. I'm not trying to under- or  
2 overestimate, but there's several lawyers on the  
3 committee, and I don't think any of them would hold  
4 themselves out to be constitutional lawyers in that  
5 particular field as well.

6 BY MR. CUSICK:

7 Q. I know we talked about data that was reviewed,  
8 you know, during the initial draft plan. Do you recall  
9 whether the Redistricting Committee looked at  
10 participation rates for voters throughout the state as  
11 it was assessing the initial draft?

12 A. I don't recall.

13 Q. What about degree of cohesion among voters?

14 A. I don't recall.

15 Q. Are you familiar with the concept of crossover  
16 voting?

17 A. I've heard the term.

18 Q. Was there any analysis of crossover voting by  
19 the committee?

20 COURT REPORTER: I'm sorry, I didn't get his  
21 answer. Was there any analysis of crossover voting, I

1 didn't hear the answer.

2 THE WITNESS: I don't believe there was.

3 COURT REPORTER: Thank you.

4 BY MR. CUSICK:

5 Q. I know we talked about, at the beginning of the  
6 deposition, racially polarized voting and talked about  
7 it in the context of the committee composition and  
8 participation, but just to make sure I don't miss it,  
9 did the Redistricting Committee conduct any racially  
10 polarized voting analysis of the 124 districts?

11 A. No, I do not believe -- no, it did not.

12 Q. Do you have any understanding of whether  
13 compliance with the Voting Rights Act involves a fact,  
14 intensive analysis?

15 A. Again, we're getting outside of my scope a  
16 little bit.

17 Q. Was there any district-by-district analysis that  
18 was conducted of the initial House draft map about  
19 whether each district complied with the Voting Rights  
20 Act?

21 A. That would be something I would rely on counsel

1 to determine if necessary and, if so, to make sure we  
2 did it.

3 Q. Was any report created of district-by-district  
4 analysis?

5 A. Not that I can remember.

6 Q. I now want to -- I think you still might still  
7 have up Plaintiffs' Exhibit 11, which is the  
8 November 10th hearing, and hopefully you might still be  
9 on page 11. And if you don't mind, if you could read  
10 lines 8 through 12, beginning with "all," and then the  
11 end of that sentence that begins with "member input."

12 A. "All of the proposed redistricting plans that  
13 were submitted to this committee were reviewed and  
14 analyzed based on our redistricting guidelines and  
15 criteria, as well as public and member input."

16 Q. Were all the maps that were submitted to the  
17 Redistricting Committee publicly posted?

18 A. I don't remember.

19 Q. Would that be maybe something that Ms. Dean or  
20 another staff member would have a recollection of?

21 A. Yes, and I don't think -- yes, that is the

1 answer.

2 Q. And so here, you talk -- discuss about in the  
3 preceding line on line 7, there were seven State House  
4 map plans that you referenced that were publicly  
5 submitted. And in the line you just read, you said that  
6 the committee reviewed and analyzed based on the  
7 redistricting guidelines and criteria. Could you  
8 explain what analysis was conducted on each of the seven  
9 State House map plans?

10 A. So, when you look at all the different plans,  
11 obviously, they vary in nature. Some created -- just an  
12 example, I think our plan had more majority-minority  
13 districts than the NAACP might have had, but it had more  
14 opportunity districts than the original staff House  
15 plan. So, all the plans were sort of taken in,  
16 consumed, and so we could see the pros and cons of the  
17 differences -- not pros and cons -- but show the  
18 differences between them in that respect.

19 Q. And I'll first ask the question about what you  
20 just said there. You said you compared the number of  
21 majority-minority districts that the initial House plan

1 had versus the State Conference's plan; did I hear that  
2 right?

3 A. That was just an example of how the plans might  
4 differ. The League of Women Voters submitted a plan and  
5 it looked different than -- in some way, shape, or form  
6 -- than the State Conference plan, which would look  
7 different than the staff plan.

8 Q. Did you assess whether the State Conference's  
9 plan provided more opportunity for Black voters in terms  
10 of overall districts that effectively performed?

11 MS. HOLLINGSWORTH: Objection to the form.

12 THE WITNESS: Again, I'm going back on my  
13 memory. It's a good ways back, but I do remember  
14 looking at -- yes. And, again, if I remember correctly,  
15 some plans had more majority-minority and some had more  
16 opportunity in some kind of version of those things.  
17 So, yes, they were -- all of them brought something  
18 slightly different, you know, to fruition. Looking at  
19 them and their differences was part of the process.

20 BY MR. CUSICK:

21 Q. If a plan had more combined majority-minority

1 districts and effective opportunity districts for Black  
2 voters compared to another plan, would that first plan  
3 provide greater opportunity for Black voters in the  
4 state?

5 MS. HOLLINGSWORTH: Object to the form.

6 THE WITNESS: That's hard to say because you  
7 don't know, again, how practically these things are  
8 going to play out at the polls either. It's a  
9 hypothesis, I guess, to some degree.

10 BY MR. CUSICK:

11 Q. Are you aware of any methods for testing whether  
12 a district will perform for Black voters?

13 A. Yes, I know it exists and, again, that's one of  
14 the things I'd rely on counsel and staff to help analyze  
15 the different plans on the table.

16 Q. Is it your testimony that Nexsen Pruet analyzed  
17 the State Conference's plan?

18 A. They would have been aware of it. I don't know  
19 -- I'm not sure who analyzed what, looking back that  
20 far.

21 Q. Who would have that information for who analyzed

1 the seven plans?

2 A. I'm guessing Nexsen Pruet would of probably had  
3 the summary of all that.

4 Q. Did the Redistricting Committee do any analysis  
5 to determine whether any of the proposed maps that drew  
6 BVAPs below 50 percent effectively performed for Black  
7 voters?

8 A. I do not believe the committee did such  
9 analysis. Now, certainly we had a lot of things  
10 provided to us and had the ability to review. I don't  
11 remember -- there's a difference too in, I guess, in  
12 going out and reviewing information that's accessible  
13 and commissioning a study, for instance, too.

14 Q. Was there any analysis of proposed maps versus  
15 the initial draft plans on which one was more compact?

16 A. So, I would say every map, every proposal,  
17 including the House staff plan, went through -- we  
18 looked at it through the lens of compactness,  
19 contiguity, communities of interest. I mean, those are  
20 all part of the analysis on how we determined what  
21 pieces of each map to incorporate into what we believed



1 was the best version to push forward to the House  
2 Judiciary.

3 Q. And when you say we, for just the analysis of  
4 the publicly submitted maps, that includes Redistricting  
5 Committee members and staff?

6 A. So, once we receive those proposed submitted  
7 maps, you know, the committee obviously had access to  
8 that to review, and through the assistance of staff and  
9 counsel, we were able to, you know, compare and contrast  
10 the differences contained within all the different maps.  
11 And then at that point, the committee had the  
12 opportunity through the hearing process to think and  
13 consider the staff plan and could certainly amend to  
14 whatever version the committee so chose.

15 Q. Were the analyses ever put in written form for  
16 the seven House plans that were reviewed?

17 A. I know there were work products, I guess I would  
18 describe it as, that helped to delineate the differences  
19 of the different maps.

20 Q. Got it. So, I guess, if there were any analyses  
21 or written documents, where would those be stored or who

1 would have access to them, on the comparison or the  
2 analysis of the seven publicly proposed maps?

3 A. Either the House Judiciary or Nexsen Pruet, I  
4 think have assisted and, therefore, have the product.

5 Q. I know at the November 10th hearing, you  
6 referenced both, obviously, oral and received written  
7 testimony. Was the written testimony uploaded anywhere  
8 after the hearing, publicly?

9 A. I don't believe so.

10 Q. This one will be a quick scroll down to page 70  
11 in the document.

12 A. Okay.

13 Q. And then do you see line 24 that says,  
14 "Representative Jordan"?

15 A. Yes.

16 Q. And on lines 1 and 2 on page 71, you state,  
17 "thank you for coming, I can tell you this is a work in  
18 progress". Do you see that?

19 A. Yes, I do.

20 Q. What did you mean by it's a work in progress?

21 A. What I described earlier that, again, with a

1 committee that went around the state, and then opened  
2 the map room, and then had a plan, and then had more  
3 public input related to the plan, and then the  
4 membership of the Ad Hoc would have the opportunity to  
5 offer amendments to the plan, and then after that the  
6 members of the Judiciary Committee would have  
7 opportunities to offer amendments to the plan, and then  
8 after that the House of Representatives would have the  
9 ability to offer amendments to the plan. So, in that  
10 sense, it's very much a work in progress.

11 Q. At this stage, you know, after the public  
12 hearing -- and, if it's helpful, I'm conceptualizing  
13 this is still tier 3, so it's the initial plan before  
14 amendments -- who is -- I guess, after the committee  
15 heard public testimony on November 10th, who was  
16 involved in discussing that public input and considering  
17 changes that might be made to the initial House staff  
18 plan?

19 A. Well, the map room, if I remember correctly, you  
20 could still get access. So, if you wanted to go create  
21 an amendment, for instance, if you were a member of the

1 Ad Hoc Committee, if you wanted to go prepare an  
2 amendment, or if you were just a member of the House and  
3 wanted to go prepare an amendment and have it ready or  
4 give it to a member of the Ad Hoc Committee, you could  
5 certainly do that. So, there's a variety of people that  
6 would be part of that process in theory.

7 Q. And who was involved in piecing together  
8 amendments that were going to be proposed at the next  
9 iteration of the plan?

10 A. So, if you're a member of the Ad Hoc Committee,  
11 you would be capable of proposing an amendment. Then  
12 after that, if you were a member of the full Judiciary,  
13 you would then have the opportunity to propose an  
14 amendment. And then after that, full House body would  
15 have the ability to propose an amendment.

16 Q. Do you recall -- I think you testified to this  
17 before -- that initially the Redistricting Committee had  
18 anticipated a second public hearing on November 12th?

19 A. I don't have the time line in front of me. I  
20 know we -- seems like we had -- I think we had two  
21 public hearings after the plan was unrolled, and then we

1 came back, and I don't remember the time line  
2 completely. Seems like there were a couple of different  
3 opportunities.

4 Q. This is all the way down to page 168.

5 A. This was a long hearing. Okay.

6 Q. And then if you see on line 9, you see that  
7 you're referenced there as Representative Jordan?

8 A. I see that.

9 Q. And then if you scroll down to line 5 on the  
10 next page on 169, and if you could read to yourself and  
11 let me know if this refreshes your recollection, lines 6  
12 through 15.

13 A. Yes, okay, so I remember this now. Originally,  
14 we had two days set aside, but we were essentially able  
15 to work through everyone that signed up to participate  
16 and, therefore, from a practical standpoint, we  
17 determined that we would leave the public input period  
18 open. Meaning, if anyone wanted to submit anything, we  
19 would do that, but we didn't feel we had the need for  
20 the second day, given that we had gotten through  
21 essentially everyone that had signed up.

1 Q. Would it -- if you had kept the second day,  
2 would that have addressed concerns about giving people  
3 more time to review the map and voice their concerns  
4 orally?

5 A. I mean, I can only speak to what -- we made it a  
6 date available and offered sign-up and I essentially  
7 took everyone -- or, not essentially, but everyone who  
8 signed up, you know, spoke. So, I think we'd  
9 accomplished the task at hand, which was to receive  
10 public input.

11 Q. Was this the only hearing where the  
12 Redistricting Committee sought public hearing, either  
13 public comments directly during a hearing on the initial  
14 plan or any subsequent plans?

15 MS. HOLLINGSWORTH: Object to the form.

16 THE WITNESS: So this is -- again, if I remember  
17 correctly, we took public testimony, and then we left  
18 the public input period open until we came back for the  
19 committee to, for lack of a better description, digest  
20 the public testimony as well as the submissions and come  
21 back and deal with it at a later date.

1 BY MR. CUSICK:

2 Q. And then I have a couple of process-related  
3 questions for next steps here. If you look at line 18  
4 on the same page it begins with "and", and then if you  
5 could read to yourself to line 25 ending with "today"?

6 A. Is this on page 169?

7 Q. Correct.

8 A. Okay.

9 Q. So, I guess, what was the purpose of, you know,  
10 scheduling a meeting two hours before the House  
11 Judiciary Committee to take into consideration all the  
12 information you received?

13 A. So, wanting to give members of the Ad Hoc  
14 Committee as much time as possible if they chose to  
15 draft amendments for the Ad Hoc Committee to consider,  
16 and then to -- but also taking into consideration that  
17 if we had the whole House Judiciary coming in, members  
18 of the Ad Hoc Committee were also members of that  
19 committee. So, I didn't want to create multiple travel  
20 days for the Ad Hoc Committee. I could have done it on  
21 a different day or two, I guess, a day prior, but

1 scheduling it two hours prior, I felt gave them more  
2 opportunity, should they so desire, to draft amendments  
3 but also it didn't create a travel day for them,  
4 practically speaking.

5 Q. Did the Redistricting Committee have any  
6 intentions to seek public input at that hearing?

7 A. No, I think the way I kind of planned it was you  
8 would have the opportunity for folks to come testify the  
9 week prior, and then we'd leave that record open so that  
10 someone that couldn't be there for whatever reason could  
11 submit public input for the committee to then address it  
12 if so desired at that next meeting, two hours before  
13 full Judiciary.

14 Q. And then the next -- and I'm at line 25 and it  
15 goes down to the next page, 170, to line 5. If you  
16 could just take a moment to review that, lines 25  
17 through 5 on page 170.

18 A. Okay.

19 Q. I guess, my question, what are the benefits of  
20 issuing a favorable report, as you stated is normally  
21 what you would do for a piece of legislation?



1       A.       So, while this was the Ad Hoc Committee, it  
2       essentially operates in the form of a subcommittee, for  
3       lack of a better description. For a piece of  
4       legislation to advance from, in this case, the Ad Hoc  
5       Committee to the full Judiciary Committee, it would need  
6       to be given a favorable report. And so in order to keep  
7       the record open and in case there may be information  
8       that comes by way of that opportunity for submission,  
9       and then for a member of the Ad Hoc Committee to, in  
10      theory, propose an amendment, I thought it best to leave  
11      that until we met again, two hours prior to full  
12      Judiciary.

13      Q.       Between the end of this meeting on November 10th  
14      and then when the Redistricting Committee met again on  
15      November 16th, do you recall who you met with to talk  
16      about amendments or public input?

17      A.       I received -- same type process. We received  
18      some submissions that I reviewed. I think, if I  
19      remember correctly, I communicated with members of the  
20      Ad Hoc Committee just to make sure that they were, if  
21      they were going to propose an amendment, that they were

1 getting everything they needed to do that. And then I  
2 think I also wanted to know because I wanted to make  
3 sure that we had enough time. There were going to be  
4 amendments that were going to take longer than the two  
5 hours. I wanted to let Chairman Murphy know that they  
6 may need to push back the full Judiciary time if that  
7 came to fruition. So, I contacted various members of  
8 the Ad Hoc Committee in that respect.

9 Q. Wanted to just take a moment here to see if it  
10 makes sense to just take a quick five-minute break, if  
11 that works?

12 MS. HOLLINGSWORTH: Yes, that'd be great. We've  
13 gone about two hours.

14 MR. CUSICK: If we could go off record for a  
15 moment.

16 VIDEOGRAPHER: Off the record at 3:31 p.m.

17 (Short recess was taken.)

18 VIDEOGRAPHER: This is the beginning of media  
19 unit number 4. Back on the video record at 3:40 p.m.

20 BY MR. CUSICK:

21 Q. Representative Jordan, I'm now going to look to

1 what is marked as Plaintiffs' Exhibit 13, which is a  
2 video transcript of the November 16th Ad Hoc Committee  
3 that we have been discussing before. My apologies, I  
4 might have said 13, it should be actually 12. It should  
5 be about 16 pages, if that's helpful, Representative  
6 Jordan.

7 A. I believe I've located it.

8 (Exhibit 12 marked for identification and  
9 attached to the transcript.)

10 Q. Yep. Give me one second. If you could go to  
11 page 9. I guess I should say page 8 because it carries  
12 over, and if you could just read to yourself for a  
13 moment lines 24 through 5 that go onto page 9 and ending  
14 with, "as I said".

15 A. Okay.

16 Q. So, would it be fair to say that at this point,  
17 you were aware of forthcoming amendments that would be  
18 introduced at the House Judiciary Committee?

19 A. Yes.

20 Q. And were you aware of all amendments that were  
21 going to be introduced at that point?

1 A. I don't remember if I was aware of all of them,  
2 but probably so.

3 Q. And aside from ones that you might have  
4 introduced, were you involved with discussions with any  
5 of the Ad Hoc members on amendments that they were  
6 considering?

7 A. Yes, I believe that's correct.

8 Q. I know that there isn't an explanation of any of  
9 the amendments at this meeting. Was it the expectation  
10 to have that discussion only in House Judiciary as  
11 opposed to the Ad Hoc Committee?

12 A. Yes. After reading that, I seem to recollect  
13 that the idea was there were amendments and given the  
14 full Judiciary was meeting very soon, why not go ahead  
15 and include or allow inclusion of the other members of  
16 the full Judiciary Committee to, perhaps if they chose  
17 to, weigh in on said amendments.

18 Q. Just for my understanding from the process,  
19 staying on page 9, if you could just review for a moment  
20 lines 12 through 17.

21 A. Okay.

1 Q. So, at this point, the Ad Hoc Committee adopted  
2 the initial staff plan, right?

3 A. Yes, this goes back to your question earlier  
4 about a favorable report. This is where we transitioned  
5 in that respect.

6 Q. Yep. And, so at this point, it's fair to say  
7 that this is before any amendments were introduced.  
8 It's just the initial working draft plan?

9 A. Correct.

10 Q. And then I know we've talked tiers, and so would  
11 the next tier, if we will, for tier 4, would that be  
12 going to House Judiciary?

13 A. Yes, that would be the next step in the process.

14 Q. And, you know, from a process point, the initial  
15 House draft plan was shared with the full House  
16 Judiciary?

17 A. Yes.

18 Q. Was anything else included -- or I'll take a  
19 step back. How is it transmitted to the full House  
20 Judiciary Committee?

21 A. So, that's a good question because while it fits

1 in the traditional path of legislation, it's obviously  
2 not traditional legislation. It's in the form of a map  
3 and district and so forth. So, at this point, it goes  
4 from a staff plan to the Ad Hoc Committee proposal, and  
5 at this point, it can be amended by the full Judiciary.

6 Q. Got it. Was there any data or analyses that  
7 were conveyed to the full House as well with the draft  
8 plan?

9 A. They would have had access to -- well, let me  
10 back up. They would have -- many of those full  
11 Judiciary and House members attended some of those  
12 public hearings, so they would have had access to that.  
13 The Judiciary members obviously would have had access to  
14 the comments if you wanted to come by and get copies or  
15 see those. Is that what you're referring to?

16 Q. That's right.

17 A. So, yes, they would have had access.

18 Q. Got it. So, I'll now turn to -- this is marked  
19 -- this is the right Plaintiffs' Exhibit 13, and this is  
20 a video transcript of the November -- or a transcript of  
21 the November 16, 2021, House Judiciary Committee. Do

1 you see that, Representative Jordan?

2 A. I do.

3 (Exhibit 13 marked for identification and  
4 attached to the transcript.)

5 Q. And otherwise, did you have any other role?  
6 Were you just a member of the House Judiciary Committee,  
7 or do you hold any other titles or roles?

8 A. Well, I guess, technically I'm a member of the  
9 Election Law Subcommittee, I'm the chairman of that.  
10 For context of this hearing, I would be chairman of the  
11 Ad Hoc Committee, so I'd be the responsible person for  
12 purposes of summarizing and laying out the Ad Hoc  
13 Committee plan and speaking on behalf of that plan.  
14 Although, certainly every member of the Ad Hoc Committee  
15 as well as the full Judiciary Committee would be able or  
16 allowed to speak if they so chose.

17 Q. Who would determine whether there'd be public  
18 input at a House Judiciary Committee hearing?

19 A. I suppose that would be the chairman, although  
20 that would be -- I don't think I've ever seen that, once  
21 you get through the subcommittee or, in this case, the

1 Ad Hoc Committee process. But in practical terms, the  
2 subcommittee is where that public hearing opportunity  
3 typically occurs.

4 Q. Are there any rules for getting public input in  
5 front of the full Judiciary, to the extent you know?

6 A. I don't think so. I think that can be done, I  
7 just -- I've never -- in my experience, I've never seen  
8 that done. But I'm sure there's -- I believe there  
9 could be or perhaps is a way to do that.

10 Q. Do you think it would have been important for  
11 members of the public to weigh in on any of the proposed  
12 amendments that were considered at that hearing?

13 A. Yes, I think it was important. Are you talking  
14 about amendments or are you talking about the proposed  
15 plans?

16 Q. The amendments that were introduced for the  
17 first time at the November 16th hearing.

18 A. You know, I think given that there had been so  
19 many public hearings and public input opportunities,  
20 most of everything that probably could have been said  
21 was said in some form or fashion. So, I don't know that



1 it would have been a necessary component in that  
2 setting.

3 Q. And do you recall any amendments that were  
4 offered outside of the one you introduced?

5 A. Seems like there was another amendment or two,  
6 if I remember, but I don't remember the substance.

7 Q. I will not hold you to remembering every  
8 amendment that was offered. If helpful, I'll direct you  
9 to page 17, and it's lines 13 to line 5 on page 18. Do  
10 you see that, it's Representative Wheeler talking, if  
11 you just want to take a moment to review that.

12 A. Okay. I've reviewed that.

13 Q. Do you recall if you supported this amendment?

14 A. I believe I did.

15 Q. Did you do any -- did you review the amendment  
16 before it was proposed by Representative Wheeler?

17 A. If I remember correctly, Mr. Wheeler did talk to  
18 me about it. This is an example of kind of what I was  
19 referencing earlier where neighbors, so to speak,  
20 represent districts contiguous to each other, may have a  
21 reason based on -- they would have more knowledge, kind

1 of going back to that compactness, you know. There's an  
2 area that in this part of the district that's always  
3 been in this district and is more aligned, you know,  
4 with this district because of that and so, therefore, it  
5 should probably switch. And as long as you can offset  
6 populations within those connected districts and it's  
7 not -- you know, if you can tell the committee and the  
8 body why it makes sense, there really would be just  
9 reason, in my mind, to oppose it.

10 Q. Do you recall any amendments offered by  
11 Representative Bamberg?

12 A. Yes, I believe came next.

13 Q. Do you recall if you supported Representative  
14 Bamberg's amendment?

15 A. I believe I did.

16 Q. So, after all the amendments that were  
17 introduced, some were adopted. Do you remember any that  
18 were not adopted? I think it might be more helpful if I  
19 start with an initial question. Do you remember an  
20 amendment introduced by Representative King on behalf of  
21 Representative Govan?

1 A. I do, and I think that committee -- or I believe  
2 that amendment failed.

3 COURT REPORTER: I'm sorry. You said you  
4 believe that what?

5 THE WITNESS: That amendment failed.

6 COURT REPORTER: Thank you.

7 BY MR. CUSICK:

8 Q. Yep. And so after all the amendments were  
9 considered, those that were adopted or not, the  
10 committee voted on a House redistricting plan as  
11 amended, correct?

12 A. Correct.

13 Q. And so, still within this tier 4, if you will,  
14 process of now it's in front of the House Judiciary, are  
15 you aware of whether the House Judiciary Committee  
16 conducted any analysis on whether that as-amended map  
17 complied with the Voting Rights Act?

18 A. So, I would say at this point, we're making  
19 changes, as you can tell, to pieces of the map, not  
20 wholesale, broad-stroke changes. These are more nuanced  
21 changes, and it would be hard to see how that would be

1 the case, so that I don't know that it would be  
2 necessary to stop and do an analysis there. Also, I  
3 would say there's one of the things we depend on counsel  
4 to say, stop, you're about to make a mistake, legally  
5 speaking, and I don't believe that occurred.

6 Q. Did anybody to your knowledge -- and this might  
7 be something within your knowledge -- were you involved  
8 in any discussions with Mr. Dennis or Ms. Dean  
9 evaluating the proposed amendments?

10 A. I don't think I had conversations with either of  
11 them concerning the amendments. I think I had  
12 conversations with the people proposing the amendments,  
13 and that's not unusual in legislation. You would  
14 typically, if you were going to make an amendment, the  
15 folks on the committee are going to look to the  
16 subcommittee chairman to tell you why it's a good  
17 amendment or a bad amendment. So, you typically, if  
18 you're doing your due diligence, you would go to the  
19 subcommittee and tell them, look, this is what I'd like  
20 to do, typically in advance of the amendment.

21 Q. Do you know if the House Judiciary Committee

1 members had conversations with Nexsen Pruet about the  
2 as-amended map?

3 A. I don't know the answer to that.

4 Q. Did you receive any analyses of the as-amended  
5 map on how it complied with or compared to other  
6 proposed maps?

7 A. I don't believe I did at that time. Again,  
8 these are small changes, essentially, where districts  
9 are bouncing off each other, for lack of a better  
10 description.

11 Q. Then, so after the House Judiciary Committee  
12 votes out the plan as amended, it's then transmitted to  
13 the full House; is that right?

14 A. Correct.

15 Q. And I know we've talked about House Judiciary  
16 members having access to some of the data, public  
17 comments, and other things we've discussed. Would the  
18 full House also have access to those forms of data?

19 A. I would think so. I mean, at that point, if  
20 you've got something that could go to the  
21 Judiciary Committee and review those comments, et

1 cetera.

2 Q. So this is the last exhibit with just a few  
3 questions. This is Plaintiffs' Exhibit 14, and it's a  
4 transcription of the December 2, 2021, House of  
5 Representatives hearing, which was transcribed by TSG  
6 Reporting Worldwide, as contracted by Plaintiffs'  
7 counsel. And then I'm going to have you turn to page 5  
8 for a moment just to show where your remarks begin on  
9 line 17, when you have a moment to get there.

10 A. I have it.

11 (Exhibit 14 marked for identification and  
12 attached to the transcript.)

13 Q. And then if you follow that down to page 10,  
14 just give you an opportunity to see that these are  
15 continuous.

16 A. Okay.

17 Q. And then could you read to yourself lines 20 to  
18 line 1 on page 11?

19 A. Okay.

20 Q. Now, I want to ask you what you mean by, on  
21 lines 21 to 20, where it says, "Invites us to weaken the

1 one person one vote standard?"

2 A. I believe I'm referring to the deviation that we  
3 talked about a few times.

4 Q. I know you testified before or earlier today  
5 about case law, that federal courts allow up to a 10  
6 percent total population deviation. Are you also  
7 familiar with the Senate redistricting guidelines  
8 regarding their total population deviation standard?

9 A. I'd say I'm loosely familiar, yes.

10 Q. Would -- if they have a total population  
11 standard that is 10 percent or plus or minus 5, in your  
12 opinion, is that a weakened standard for one person, one  
13 vote?

14 A. You're saying the 10 percent versus the 5, I  
15 mean, yes, I think that is a weakened standard.

16 Q. And then I want you to review on page 11 the  
17 lines 2 through 3, ending in line 3, "where possible".

18 A. Okay.

19 Q. Is this the first time that you explain the  
20 concept of keeping existing districts intact?

21 A. You mean explain to the body or explain to the

1 general public or?

2 Q. Generally.

3 A. No, I don't think so. I think when I'm talking  
4 about -- kind of like we talked about earlier -- a  
5 starting point and using 2010 as that starting point.  
6 That's essentially another way of saying that.

7 Q. Do you understand this as what might be  
8 associated with core retention?

9 A. You're talking about core retention of the  
10 districts?

11 Q. Yes.

12 A. No, I'm using that as a -- I'm more connecting  
13 that, I think, with the connecting back of, we need a  
14 starting point. I could use District 63 as an example:  
15 It was found to be a viable legal district in 2010, so  
16 that's -- the core of it is essentially a starting point  
17 for 2020.

18 Q. Was core retention a redistricting guideline for  
19 the House?

20 A. I don't believe so. No, I'm thinking back over  
21 different criterias, it was not.



1 Q. Give me one second. I accidentally clicked out of  
2 the page, I'm now back. Then, if you could review lines  
3 10 through 15 on that same page?

4 A. Okay.

5 Q. Is this the first time you mention a guiding  
6 principle to keep smaller rural counties whole?

7 A. I don't know -- I'm reading here, I don't know  
8 if I'd call it a guiding principle. It's certainly  
9 something that, I think, has come up on more than a few  
10 occasions in my involvement in districting, in that  
11 smaller rural counties, dividing them up lessens their  
12 impact or voice, so to speak. And therefore, if we can  
13 present a proposal that doesn't divide them up, then  
14 that's not a bad thing.

15 Q. I know we talked about the redistricting  
16 guidelines before. Do you recall if there's anything in  
17 the guidelines that talk about keeping small rural  
18 counties whole?

19 A. No, I don't believe that's a particular  
20 criteria.

21 Q. On lines 18 beginning at -- and I think you just

1 talked about this for a moment, but I'll just have you  
2 review -- 18 through 23, if you just want to review that  
3 for a moment.

4 A. Sure. Okay.

5 Q. And so here, and you just testified about  
6 "keeping smaller counties whole may necessitate  
7 increasing number of splits". What do you mean by  
8 number of splits here?

9 A. If I remember correctly, I haven't read through  
10 the whole thing, but I'm either talking about splitting  
11 -- again, going back to what I was testifying a minute  
12 ago -- splitting a county. If you give a piece of a  
13 county to another larger county, it diminishes  
14 essentially their, for lack of a better description,  
15 their voice in the process. By keeping them whole  
16 allows them to have a clearer voice.

17 Q. During this hearing, and I can bring you to it  
18 in a moment, do you recall Representative Brawley  
19 introducing any amendments?

20 A. I believe she did introduce a couple, at least a  
21 couple ones that were amendments.

1 Q. Was one of those amendments, to your  
2 recollection, the map that was proposed by the South  
3 Carolina State Conference of the NAACP?

4 A. I believe it was.

5 Q. And another, the one that the League of Women  
6 Voters of South Carolina had publicly proposed?

7 A. I believe that's correct.

8 Q. And if you could go to page 19 lines 17 through  
9 23 and just review those for a moment.

10 A. Direct me again which lines?

11 Q. Sorry, give me one moment. This is lines 17  
12 through 23.

13 A. On page 19?

14 Q. Yes. This is essentially speaker -- the speaker  
15 recognizing you in response to Representative Brawley's  
16 amendment.

17 A. Okay. I'm there.

18 Q. And then just for continuity, the reason -- I  
19 just wanted to make sure we're on the same page, because  
20 then if you look at line 24 on that same page, and then  
21 if you want for a moment just to read through line 15 on

1 page 20, just so it might refresh your recollection  
2 about your comments related to Representative Brawley's  
3 amendment.

4 A. Okay.

5 Q. So, here you identify concerns about incumbency  
6 pairings as one primary concern?

7 A. I believe this was the League of Women Voters'  
8 plan, if I remember correctly.

9 Q. I want to make sure I can -- maybe I'll go back  
10 up to Representative Brawley's initial one, just so you  
11 know I'm asking -- if you go up to page 15, and then  
12 lines 14 through 21, you'll see that this one references  
13 the State Conference's map.

14 A. Okay.

15 Q. And then, so back to those moments we just  
16 discussed on page 20, you had a concern about incumbency  
17 pairings, that there were 13 to 14 -- up to 13 to 14  
18 incumbents paired with the State Conference's map?

19 A. So, in reviewing the transcript, my recollection  
20 was, the issue, the incumbency issue, was not the  
21 Conference's plan but the League of Women Voters' plan,

1 but I'll trust the transcript. And at this juncture,  
2 I'm on the House floor and I have my notebook with the  
3 legislation and different comparisons between plans.  
4 So, my job on the floor at that point is to sort of  
5 point out the differences within the different  
6 proposals, so, again, I don't specifically have  
7 everything I had in front of me at the time, so I'm  
8 trusting the transcript essentially.

9 Q. So, on lines 11 and 12, you say that there's an  
10 excessive amount of splits?

11 A. I'm assuming that would either be, if I remember  
12 correctly, that's county splits. That could be precinct  
13 or census blocks or whatever, but I'm assuming that's  
14 county.

15 Q. I guess, who created -- I guess, did you have an  
16 analysis of the map that you were looking to in drafting  
17 these remarks or talking points about the State  
18 Conference plan?

19 A. Yes, I would of had -- going back, I think we  
20 talked about this a while back -- once we received the  
21 however many different submitted plans, we then began

1 the process of comparing and contrasting those plans to  
2 each other as well as the House plan. And so, with the  
3 assistance of staff and counsel, I had documents that  
4 would allow me to help -- to help me compare and  
5 contrast those districts, to summarize the difference  
6 between the two.

7 Q. And those were the documents, the analysis, we  
8 talked about before that might be either with staff  
9 counsel or Nexsen Pruet?

10 A. Correct.

11 Q. If you go up for a moment on page 16, and this  
12 is lines 9 through 17, this is Representative Brawley.  
13 If you could just take a moment to review that for a  
14 second.

15 A. Which lines again on page 16, lines?

16 Q. 9 through 17.

17 A. Okay.

18 Q. In the analysis that you had for the talking  
19 points that you had in front of you, was there anything  
20 to rebut Representative Brawley's contention that the  
21 State Conference map draws more viable electability

1 opportunity districts for Black voters?

2 A. Yes, I believe so. This goes back to  
3 majority-minority districts and opportunity districts  
4 and how -- again, I'm remembering now or trying to  
5 remember -- I believe the House plan had more  
6 minority-majority but yet a little bit fewer opportunity  
7 or some combination in there. So, yes, I would have had  
8 analysis to help me articulate that.

9 Q. Okay. I have one final set just to make sure I  
10 understand these tiers that we've talked about, and then  
11 just two or three final questions, at least from my end.  
12 Just so -- and I just want to make sure, you can correct  
13 me if I'm wrong on this, but the tiers that we talked  
14 about today, tier 1 and the map room?

15 A. I would go back further than that, honestly. I  
16 would say public testimonies.

17 Q. Got it. I should say -- maybe I can clarify.  
18 In terms of maps being drawn, a tier process that way.

19 A. Sure.

20 Q. So the map room is tier 1 for the points that  
21 we've discussed?

1 A. Yes.

2 Q. At tier 2, it's after the map room, that first  
3 time closes and there's a combination of -- Hager, I  
4 keep forgetting to stick with one way or another -- Ad  
5 Hoc Committee members and staff, and then counsel,  
6 whether that be Mr. Dennis or Nexsen Pruet, are working  
7 on putting together a initial working draft plan?

8 A. Yes, I believe that's all correct.

9 Q. And as they're putting that together, they're  
10 also assessing some of the criteria that we've spoken  
11 about that are those guidelines, compliance with Voting  
12 Rights Act to make sure, as you said, there's nothing to  
13 flag that might be concerning?

14 A. Correct.

15 Q. And then in that same stage, Ad Hoc Committee  
16 members are speaking with delegations that they're in  
17 contact with or that might be neighboring with them to  
18 resolve any disputes or, you know, changes, agreements,  
19 what have you?

20 MS. HOLLINGSWORTH: Object to the form.

21 THE WITNESS: Essentially, yes. They're



1 communicating with members in that area in the state,  
2 you know, depending on whether you're in an area of  
3 population that's above or below the average.

4 BY MR. CUSICK:

5 Q. And then, you know, a working draft plan is  
6 publicly shared, and we've said tier 3 is kind of that  
7 plan being shared and public input, you know, from  
8 November 10th?

9 A. Yes. So another set of public input to weigh in  
10 on what we've rolled out.

11 Q. And then the same set of folks, you know, Ad Hoc  
12 Committee members, the counsel, staff, Mr. Hager, are  
13 working on what might be amendments that they're  
14 considering to that plan?

15 A. Yes, I believe that's correct.

16 Q. And then tier 4 is when it's amendments that are  
17 being offered and voted on by the House  
18 Judiciary Committee?

19 A. Correct.

20 Q. And then the final tier is just the map-drawing,  
21 map-composition portion of that is when it goes to the

1 full House?

2 A. Yes, as you can see, amendments could -- were or  
3 could have been proposed at that level as well, yes.

4 Q. And we've spoken a little bit about some of the  
5 delegations. Would it be fair to say that delegations  
6 worked out deals among themselves for districts that  
7 were neighboring each other?

8 MS. HOLLINGSWORTH: Object to the form.

9 THE WITNESS: I don't know if I'd say worked out  
10 deals. I mean, they had to work together if they wanted  
11 to come to a -- if they wanted to -- certainly, they  
12 could disagree, as did happen in the process, and  
13 ultimately, you know, the Ad Hoc and full Judicial and  
14 ultimately the full body would make the decision on it.  
15 But they certainly had the opportunity, should they  
16 attempt to, to work together to resolve any differences  
17 of opinions they might have within their neighboring  
18 districts.

19 BY MR. CUSICK:

20 Q. Then, I know that this is a separate question  
21 just to close out a thread. I know you talked about the

1 interns that helped out in the map room. Did you at all  
2 have any communications with them?

3 A. I had communication when I'd be in the map room.  
4 I mean, anywhere from good morning, have a good evening,  
5 and click here, click there, but I didn't have any  
6 communications with them regarding, for instance, what  
7 their work days, hours, things of that nature.

8 Q. And that's why as it gets later in the day you  
9 sharpen that question, because what I really should have  
10 asked is, did you have any e-mails or text messages or  
11 any written communications with any of the interns?

12 A. No, I did not.

13 MR. CUSICK: I think otherwise, for now, I don't  
14 have any other questions. I think, Ms. Hollingsworth,  
15 just for the record, I know that at least from my  
16 understanding, there might be forthcoming -- I can't  
17 recall if it's text messages or e-mails that  
18 Representative Jordan had mentioned that were identified  
19 and sent to you; is that right?

20 MS. HOLLINGSWORTH: No, they're not sent to me,  
21 but we've gotten the order from the court and so we, as

1 of yesterday, are working hard to accommodate.

2 MR. CUSICK: And just for record purposes, we'll  
3 continuing speaking with you, Ms. Hollingsworth, about  
4 those productions or any others in light of the panel's  
5 discovery order about whether there might be a need to  
6 reopen if there's any relevant documents for this  
7 deposition. But, otherwise, I have no other questions  
8 on my end, and thank you, Representative Jordan. I know  
9 it's been a long day so I appreciate it.

10 A. Absolutely.

11 MS. HOLLINGSWORTH: Are there any questions from  
12 the election commission?

13 MR. BURCHSTEAD: No questions from the election  
14 commission.

15 MS. HOLLINGSWORTH: Any question from the  
16 Senate? He might have gone on to more important things.  
17 All right, well, last chance, hearing none, then we are  
18 good.

19 VIDEOGRAPHER: Okay. This concludes today's  
20 video-recorded deposition. We are going off the video  
21 record at 4:21 p.m.

1 (Video-recorded deposition of WALLACE H. JORDAN,  
2 adjourned at 4:21 p.m.)  
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ACKNOWLEDGMENT OF DEPONENT

I, WALLACE H. JORDAN, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(DATE)

IN RE:    The South Carolina State Conference of the  
            NAACP, et al. V. Thomas C. Alexander, et al.

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PAGE	LINE	CORRECTION AND REASON
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IN RE:    The South Carolina State Conference of the  
            NAACP, et al. V. Thomas C. Alexander, et al.

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CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

I, Danielle Lawrence, court reporter, the officer before whom the foregoing proceedings were heard, do hereby certify that the foregoing transcript and said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 25th day of April 2022.

A handwritten signature in cursive script that reads "Danielle Lawrence". The signature is written in dark ink and is positioned above the printed name of the notary.

NOTARY PUBLIC IN AND FOR THE  
STATE OF MARYLAND

[& - 4]

Page 1

<b>&amp;</b>	<b>11:08</b> 46:15	<b>1800</b> 4:5	205:4
<b>&amp;</b> 3:5 4:4,12 5:13	<b>12</b> 6:8 42:6 154:17 179:10 194:4,8 195:20 212:9	<b>19</b> 210:8,13 <b>194</b> 6:8 <b>1950s</b> 30:7,10 31:4 <b>1965</b> 108:19 <b>198</b> 6:10 <b>1:30</b> 111:6 <b>1:35</b> 113:17 <b>1:36</b> 113:19 <b>1st</b> 5:9	<b>2022</b> 1:15 7:4 152:4 224:14 <b>20458</b> 224:19 <b>205</b> 6:12 <b>21</b> 61:13 166:16 205:21 211:12 <b>212</b> 3:8 <b>23</b> 209:2 210:9,12 <b>231-7838</b> 4:15 <b>24</b> 185:13 194:13 210:20 <b>25</b> 22:14 190:5 191:14,16 <b>25th</b> 224:13 <b>26</b> 22:14 <b>27</b> 125:11 <b>271-0324</b> 3:17 <b>29201</b> 3:16 4:6,14
<b>0</b>	<b>12-2-21</b> 6:12 <b>1221</b> 4:5 <b>1230</b> 3:15 <b>124</b> 5:14,16 44:12 127:14 147:16 149:21 178:10	<b>2</b>	<b>3</b>
<b>001</b> 47:2 <b>0091425</b> 138:12 <b>0091426</b> 138:13 <b>03302</b> 1:8 7:10	<b>125</b> 5:18 <b>126</b> 5:20 <b>12:40</b> 110:14 <b>12:41</b> 111:3 <b>12th</b> 187:18 <b>13</b> 1:15 6:10 7:4 194:1,4 197:19 198:3 200:9 211:17,17 <b>1310</b> 4:13 <b>1338</b> 44:4 <b>138</b> 6:4 <b>14</b> 6:12 205:3,11 211:12,17,17 <b>15</b> 164:14 188:12 208:3 210:21 211:11 <b>152</b> 6:6 <b>154</b> 6:7 <b>16</b> 164:7 194:5 197:21 213:11,15 <b>168</b> 188:4 <b>169</b> 188:10 190:6 <b>16th</b> 192:15 194:2 199:17 <b>17</b> 195:20 200:9 205:9 210:8,11 213:12,16 <b>170</b> 191:15,17 <b>18</b> 190:3 200:9 208:21 209:2	<b>2</b> 5:10 46:15 48:5 48:10,16 86:1 139:3 142:5 143:17 147:7,11 155:10 163:21 168:15 169:2,18 176:18 185:16 205:4 206:17 215:2 <b>2.5</b> 87:14 <b>20</b> 61:13 72:16 74:20 205:17,21 211:1,16 <b>2010</b> 61:7 87:19 97:20 98:2,7,10 117:16 119:14,15 119:18,20 120:4 167:17 171:10,13 207:5,15 <b>2010-2011</b> 119:5 <b>2011</b> 61:7 <b>2012</b> 23:8,13 30:21 31:1 <b>2015</b> 20:13 30:21 <b>2020</b> 207:17 <b>2021</b> 6:4,6 12:15 71:18 82:12,14 124:17 125:11,21 138:10 152:3,5 154:14 197:21	<b>4</b>
<b>1</b>	<b>1</b> 5:8 7:4 46:1,21 47:5 80:18 139:2 142:1 147:7 167:20 185:16 205:18 214:14,20 <b>1,000</b> 141:5 <b>10</b> 6:6 46:8 54:10 54:10 112:18 152:3,12 154:14 166:15 205:13 206:5,11,14 208:3 <b>10,000</b> 129:15 <b>10-8-21</b> 5:20 <b>100</b> 18:14 80:10 148:9 <b>10:03</b> 1:16 7:3 <b>10:58</b> 46:12 <b>10th</b> 155:3,17 163:18 179:8 185:5 186:15 192:13 216:8 <b>11</b> 6:7 112:18 139:2 152:4 154:13,20 163:19 164:7,8 167:20 168:9 179:7,9 205:18 206:16 212:9 <b>11-10-21</b> 6:7 <b>11-16-21</b> 6:8,10 <b>11:05</b> 46:6		

[4 - add]

Page 2

196:11 202:13 216:16 <b>40</b> 3:6 <b>41,278</b> 87:2 <b>4493</b> 16:13 22:12 22:21 <b>45</b> 174:12 <b>47</b> 5:8 <b>48</b> 5:10 155:2 <b>4:21</b> 219:21 220:2 <b>4th</b> 111:12 114:2	<b>70</b> 185:10 <b>700</b> 3:15 <b>71</b> 185:16 <b>72</b> 5:12 <b>799-9800</b> 4:7 <b>7th</b> 23:9,14	<b>able</b> 39:8 47:2 48:7 55:3 72:6 89:21 94:4 101:18 123:6 127:1 138:14 142:14 184:9 188:14 198:15 <b>absolute</b> 171:4 <b>absolutely</b> 40:6 83:4 89:20 127:18 219:10 <b>accent</b> 169:15 <b>acceptable</b> 92:12 <b>accepted</b> 145:4 <b>accepts</b> 92:8 <b>access</b> 32:4 48:9 57:8 58:5 94:5 123:7 127:15,16 127:21 131:5,7,14 137:1,6,13 184:7 185:1 186:20 197:9,12,13,17 204:16,18 <b>accessible</b> 123:1 183:12 <b>accidently</b> 208:1 <b>accommodate</b> 66:14 219:1 <b>accomplished</b> 189:9 <b>account</b> 44:18 50:1,2,6,21,21 51:4,16 <b>accounts</b> 45:8 49:20,21 <b>accurately</b> 86:14 94:16 101:19 <b>accuse</b> 167:6 <b>acknowledge</b> 221:4	<b>acknowledgment</b> 221:1 <b>acorn</b> 26:1 <b>act</b> 93:8 106:2 108:19,21 109:9 109:15 110:8 123:20 150:12 168:13,16 169:18 170:20 176:19 178:13,20 202:17 215:12 <b>action</b> 7:16 9:4 15:16 156:2,3 <b>actual</b> 47:1,11 <b>ad</b> 6:9 24:16 35:20 54:7,20 55:10,12 56:7,19 57:13,21 58:4 61:1,10,21 62:17 70:17 71:21 76:4 82:11 108:1 115:21 121:12 123:16 124:16 125:10,20 127:6 127:10 142:15 143:5,9,18,19,21 146:17 147:9 154:14 158:2 159:7,18 161:3 163:4 173:17,18 173:19 186:4 187:1,4,10 190:13 190:15,18,20 192:1,4,9,20 193:8 194:2 195:5,11 196:1 197:4 198:11,12,14 199:1 215:4,15 216:11 217:13 <b>adapt</b> 25:3 <b>add</b> 73:19
<b>5</b>	<b>8</b>		
<b>5</b> 5:14 123:18 124:2,8 158:12 188:9 191:15,17 194:13 200:9 205:7 206:11,14 <b>50</b> 18:14 80:9 173:1 174:4,8 175:4 183:6 <b>5th</b> 63:18	<b>8</b> 5:20 22:14 72:15 74:20 125:18,21 126:4 133:16 168:3 179:10 194:11 <b>8-3-21</b> 5:12,13 <b>8-30-21</b> 5:16 <b>803</b> 4:7,15 <b>82</b> 5:13 <b>864</b> 3:17 <b>8:00</b> 116:18 <b>8th</b> 111:12,18 112:6 114:1 120:11 148:13 151:18 153:19 156:12		
<b>6</b>	<b>9</b>		
<b>6</b> 5:16 80:18,21 124:12,17 125:1 138:13 188:11 <b>60</b> 175:11 <b>60s</b> 30:7 <b>63</b> 20:8,12 22:12 23:5 107:9,13 131:19,20,21 132:3,18 133:1 207:14 <b>65</b> 109:15 <b>6:00</b> 116:18 <b>6:30</b> 154:3 156:12 156:12	<b>9</b> 6:4 54:10 80:17 138:16 164:3,5 188:6 194:11,13 195:19 213:12,16 <b>9-27-21</b> 5:18 <b>95</b> 165:15,15 <b>965-7715</b> 3:8 <b>99</b> 170:10		
<b>7</b>	<b>a</b>		
<b>7</b> 5:3,18 125:6,15 133:16 168:10 180:3	<b>a.m.</b> 1:16 7:3 46:12,15 <b>ability</b> 80:3 84:19 84:20 146:21 149:10 171:9 183:10 186:9 187:15		

[added - april]

Page 3

<p><b>added</b> 163:15</p> <p><b>adding</b> 114:8</p> <p><b>addition</b> 11:11 13:3 95:4 143:13</p> <p><b>additional</b> 12:5 77:6 140:20 147:21 156:6</p> <p><b>address</b> 43:18 44:2,6 83:10 191:11</p> <p><b>addressed</b> 171:5 189:2</p> <p><b>addresses</b> 43:21 44:8,12,14</p> <p><b>adequately</b> 89:21</p> <p><b>adjourned</b> 220:2</p> <p><b>adjust</b> 162:6</p> <p><b>administer</b> 7:15</p> <p><b>administratively</b> 50:15</p> <p><b>adopt</b> 146:16</p> <p><b>adopted</b> 16:13 77:2 79:21 82:14 98:7 127:6,7 196:1 201:17,18 202:9</p> <p><b>adoption</b> 111:16</p> <p><b>advance</b> 73:1 192:4 203:20</p> <p><b>advertise</b> 112:7</p> <p><b>advice</b> 11:13 12:10 13:5 68:12</p> <p><b>affiliated</b> 45:4</p> <p><b>affiliation</b> 37:5,10 102:21</p> <p><b>affiliations</b> 7:19</p> <p><b>affirmative</b> 169:3</p> <p><b>affixed</b> 224:13</p> <p><b>african</b> 24:3</p> <p><b>age</b> 44:17 140:15 173:14</p>	<p><b>ago</b> 18:18 19:4 32:7 39:12 81:11 134:1 165:11 209:12</p> <p><b>agree</b> 29:13 116:12,15 155:1</p> <p><b>agreements</b> 215:18</p> <p><b>ahead</b> 16:5 46:17 70:12 73:5 79:18 117:18 195:14</p> <p><b>al</b> 1:6,9 7:7,8 222:3,3 223:3,3</p> <p><b>alert</b> 21:12,13</p> <p><b>alexander</b> 1:9 7:8 138:2 222:3 223:3</p> <p><b>aligned</b> 201:3</p> <p><b>allow</b> 55:8 67:8 88:16 195:15 206:5 213:4</p> <p><b>allowed</b> 198:16</p> <p><b>allowing</b> 114:11</p> <p><b>allows</b> 209:16</p> <p><b>alternatives</b> 67:10</p> <p><b>amend</b> 184:13</p> <p><b>amended</b> 108:19 197:5 202:11,16 204:2,4,12</p> <p><b>amendment</b> 146:19,21 147:2 186:21 187:2,3,11 187:14,15 192:10 192:21 200:5,8,13 200:15 201:14,20 202:2,5 203:14,17 203:17,20 210:16 211:3</p> <p><b>amendments</b> 67:2 146:16 156:19 167:10 186:5,7,9 186:14 187:8</p>	<p>190:15 191:2 192:16 193:4 194:17,20 195:5,9 195:13,17 196:7 199:12,14,16 200:3 201:10,16 202:8 203:9,11,12 209:19,21 210:1 216:13,16 217:2</p> <p><b>american</b> 24:3</p> <p><b>amount</b> 67:5,6,8 96:10 100:14 132:17,20 212:10</p> <p><b>analyses</b> 184:15 184:20 197:6 204:4</p> <p><b>analysis</b> 41:12 148:15 149:5 175:3,5,7,19 176:17 177:18,21 178:10,14,17 179:4 180:8 183:4 183:9,14,20 184:3 185:2 202:16 203:2 212:16 213:7,18 214:8</p> <p><b>analyze</b> 37:16 92:10 182:14</p> <p><b>analyzed</b> 32:17 179:14 180:6 182:16,19,21</p> <p><b>anderson</b> 50:12,13 60:1</p> <p><b>anderson's</b> 151:1</p> <p><b>answer</b> 9:10,16 10:11,15 14:21 28:1 34:17 38:15 39:8 56:8 59:14 79:13 112:4 123:3 139:17 177:21 178:1 180:1 204:3</p>	<p><b>answer's</b> 38:8</p> <p><b>answered</b> 139:15</p> <p><b>answering</b> 10:1,19</p> <p><b>answers</b> 13:2 47:20 49:4</p> <p><b>anticipated</b> 187:18</p> <p><b>antonio</b> 3:4 8:5</p> <p><b>anybody</b> 203:6</p> <p><b>apart</b> 95:18 118:3</p> <p><b>apologies</b> 16:5 21:10 54:1 70:11 194:3</p> <p><b>apologize</b> 11:7,20 21:14 44:16 158:19</p> <p><b>appear</b> 221:7</p> <p><b>appearance</b> 7:21</p> <p><b>appearances</b> 7:19</p> <p><b>appearing</b> 8:15</p> <p><b>appears</b> 82:17</p> <p><b>apply</b> 36:17</p> <p><b>appointed</b> 134:14</p> <p><b>appointee</b> 43:10</p> <p><b>appointments</b> 61:15,15 127:12</p> <p><b>appreciate</b> 219:9</p> <p><b>approach</b> 31:6 160:6</p> <p><b>approached</b> 160:12</p> <p><b>appropriate</b> 87:20 88:4,12,13,20 89:6 89:7 91:20</p> <p><b>approved</b> 36:12 87:15,16 140:21 141:3</p> <p><b>approximately</b> 19:15</p> <p><b>apps</b> 45:15 55:7</p> <p><b>april</b> 1:15 7:4 152:4 224:13</p>
--	--	---	--

[area - background]

Page 4

<p><b>area</b> 63:17 99:21 100:7 101:10 104:11 105:2,5 112:2 114:16 126:15 132:1 134:19,21 136:13 143:6 158:5,7 161:20 162:3,18 162:21 163:2,10 166:4 170:8,9 175:16 176:9 201:2 216:1,2 <b>areas</b> 84:21 85:13 89:17 133:8 143:10 <b>arrangements</b> 57:4 <b>arrived</b> 16:6,8 <b>articulate</b> 102:11 214:8 <b>aside</b> 14:9 188:14 195:3 <b>asked</b> 33:3,6,14 44:21 48:20 49:6 49:9 56:15 58:15 139:16 218:10 <b>asking</b> 14:1 21:14 27:18,20 73:14 98:2 119:20 125:5 135:10 169:20 211:11 <b>asks</b> 98:9 <b>aspect</b> 115:9 116:20 <b>aspects</b> 40:5 95:11 146:3 <b>assess</b> 31:4 76:20 91:12 96:6,7 115:9 148:6 149:20 181:8</p>	<p><b>assessed</b> 149:14 <b>assessing</b> 83:19 150:11 177:11 215:10 <b>assessment</b> 31:12 33:10 83:2 84:1 97:18 171:7 <b>assessments</b> 39:17 <b>asset</b> 150:6 <b>assist</b> 13:1 71:5,8 129:7,12,16 130:7 <b>assistance</b> 135:10 184:8 213:3 <b>assisted</b> 185:4 <b>associated</b> 77:4 207:8 <b>assume</b> 10:2 20:16 39:19 52:19 69:16 <b>assuming</b> 140:10 166:10 212:11,13 <b>asterisk</b> 152:21 <b>attached</b> 5:6 6:2 47:6 48:11 72:5 82:21 124:9 125:2 125:16 126:5 138:17 152:13 154:21 194:9 198:4 205:12 221:8 <b>attempt</b> 44:11 110:3 217:16 <b>attend</b> 116:14 117:5 <b>attendance</b> 17:1 65:16 135:7 <b>attended</b> 16:21 197:11 <b>attending</b> 7:18 <b>attention</b> 28:15 134:7 153:21</p>	<p><b>attorney</b> 8:1 11:18 11:18 42:4 53:20 69:8 131:13 <b>attorneys</b> 9:4 11:13,15,15 13:5 14:10 69:6 94:6 <b>audibly</b> 9:16 <b>audio</b> 3:4,13 4:11 <b>august</b> 71:18,20 72:13 79:20 82:14 111:18 112:6 124:17 <b>authorized</b> 7:15 <b>available</b> 57:15 68:3 71:8,21 78:18,21 114:15 119:3,9 120:7 121:10 123:8 139:10 140:3,6,11 140:21 146:16 154:15 189:6 <b>average</b> 107:17,18 132:2 216:3 <b>avoid</b> 141:7 <b>aware</b> 15:2 16:5 27:12,20 28:5 29:9 30:14,16,16 31:1 33:13 35:7,8 44:15 67:19 68:3 70:9 96:1 99:18 106:20 118:5 119:11 120:5 121:16 146:12 149:16 154:7 161:3 174:10 175:7 182:11,18 194:17,20 195:1 202:15 <b>awful</b> 26:14</p>	<p><b>b</b> <b>b</b> 5:5 6:1 57:17 96:14 146:14 151:5 <b>baby</b> 63:5 <b>back</b> 13:20 27:2,4 28:1 29:16 30:1 32:6,21 36:17 39:11 41:3,8,16,17 42:18 45:12 46:6 46:15 48:14 51:20 52:1 54:3,9 55:15 55:19 56:4,14 61:12 63:11 77:1 77:2 79:6 87:21 89:16 92:2 93:14 95:16 96:9 97:3 97:15 103:8 104:14 106:16 108:5,16 111:6,9 112:21 113:19 115:15 117:15 119:4 120:10,20 121:14 126:18 131:21 133:20 146:14 147:19 158:3 162:12 165:12 166:3,10 170:6 171:10 172:2 181:12,13 182:19 188:1 189:18,21 193:6 193:19 196:3,19 197:10 201:1 207:13,20 208:2 209:11 211:9,15 212:19,20 214:2 214:15 <b>background</b> 19:6 38:7</p>
--	---	---	---

[backgrounds - brawley]

Page 5

<b>backgrounds</b> 40:3	<b>beginning</b> 7:21	130:18,20 131:3,6	34:1 66:4
<b>bad</b> 108:14 203:17	46:14 47:1 54:9	131:20 136:5	<b>bit</b> 13:12 15:12
208:14	64:3 65:12 67:17	140:16 144:14	19:5 20:3 54:4
<b>baked</b> 135:17,20	72:16 74:21 80:20	149:19 154:5	56:11 60:20 71:11
<b>balance</b> 63:9	106:8 111:5	155:4 157:10	71:13 75:7 79:16
<b>balanced</b> 105:13	115:18 164:8	158:15 159:19	98:5 111:9 117:18
106:11	167:20 168:2	166:19 167:4	117:20 126:11
<b>balancing</b> 108:6	171:16 178:5	169:9 174:13,14	133:5 144:11
<b>ballpark</b> 22:15	179:10 193:18	175:5 178:2,11	158:16 178:16
52:7 58:12	208:21	183:8 185:9 194:7	214:6 217:4
<b>bamberg</b> 201:11	<b>begins</b> 84:13 86:7	195:7 199:8	<b>black</b> 22:16,18
<b>bamberg's</b> 201:14	105:8 153:1 190:4	200:14 201:12,15	27:17 28:7 29:10
<b>bankruptcy</b> 18:3,9	<b>behalf</b> 3:2,11 4:2	202:1,4 203:5	33:18 34:1 39:1
18:10,13,15	4:10 8:4,6,8,9,13	204:7 206:2	140:14,14 153:3
<b>baptist</b> 35:12	18:4,5 167:8	207:20 208:19	173:3,4,9,14,15
42:15	198:13 201:20	209:20 210:4,7	174:4,11 175:4
<b>based</b> 39:19 41:11	<b>behavior</b> 101:2,9	211:7 214:2,5	181:9 182:1,3,12
56:8 62:11 85:12	102:1,8,14,20,20	215:8 216:15	183:6 214:1
94:13,14 95:13	<b>behaviors</b> 101:7	<b>believed</b> 24:20	<b>blanking</b> 63:20
96:5 108:19	<b>beings</b> 139:7	183:21	68:17
135:18 171:14	179:11	<b>beneficial</b> 77:13	<b>blinked</b> 37:1
172:5 179:14	<b>believe</b> 10:16	<b>benefit</b> 121:11	<b>block</b> 39:2,3 67:4
180:6 200:21	12:11 13:15 14:5	<b>benefits</b> 191:19	95:5,10 129:15,15
<b>basic</b> 9:6	14:6,7,11 15:11	<b>best</b> 32:3 35:19	<b>blocks</b> 212:13
<b>basically</b> 84:20	16:7,14 17:8,11,11	36:4 56:5 60:16	<b>blue</b> 153:3
137:14	18:2 19:1 21:21	108:14 184:1	<b>blurrier</b> 152:10
<b>basing</b> 39:5	22:1,4,14,19 23:1	192:10	<b>blurry</b> 152:10
<b>basis</b> 39:9 40:21	28:21 29:17 34:19	<b>better</b> 31:15 98:11	<b>board</b> 30:2
59:12 64:21 81:12	34:20 35:2 37:20	139:13 150:7	<b>boards</b> 42:17 43:2
88:3 90:13 92:18	38:11 39:9 41:5	153:11,13 189:19	<b>body</b> 187:14 201:8
167:7	42:16 44:21 47:13	192:3 204:9	206:21 217:14
<b>bass</b> 131:2	49:5,11 54:10	209:14	<b>bolts</b> 14:15
<b>bates</b> 73:16 138:12	55:9,13 57:10	<b>beyond</b> 95:7	<b>born</b> 19:6
<b>bear</b> 59:15 124:10	58:7 61:18 75:12	<b>big</b> 24:20 39:13	<b>bouncing</b> 204:9
129:13 133:20	75:14,20,21 76:13	63:14 89:1,5	<b>boundaries</b> 105:9
136:11 147:6	77:12,21 78:18	98:10	105:10,17,18
<b>becoming</b> 26:2	79:5 86:15 90:8	<b>bill</b> 16:13 17:7	<b>box</b> 93:13
43:6	102:6 104:10	22:12,21 28:18	<b>brain</b> 168:20
<b>began</b> 212:21	105:16 111:21	31:6 32:18 33:3	<b>brandon</b> 63:3
<b>begets</b> 38:2	112:9 116:11	<b>bills</b> 25:19 26:4	<b>brawley</b> 15:2
	123:10 130:1,14	31:5,12 33:14,20	209:18 213:12



[brawley's - chairmanships]

Page 6

<p><b>brawley's</b> 210:15 211:2,10 213:20 <b>break</b> 10:17,20 46:4 74:5,6,8,10 82:1,2 85:12 110:13,15,21 111:9 193:10 <b>breaks</b> 72:21 <b>briefed</b> 169:1 <b>briefly</b> 123:14 <b>bring</b> 13:10 49:8 64:13 159:6 209:17 <b>brings</b> 24:15 <b>broad</b> 40:16 85:2 91:2,6 102:17,18 104:1,5,10,16 106:10 111:11 147:12 166:5 202:20 <b>broader</b> 32:13 <b>broadest</b> 16:2 <b>broke</b> 111:17 <b>broken</b> 95:20 <b>brought</b> 15:15,18 16:1 28:15 30:5 88:10 134:6 146:4 153:21 157:1 181:17 <b>brown</b> 30:1 <b>brunell</b> 34:18,19 34:20 70:2,14 <b>brushed</b> 30:11 <b>buckets</b> 128:3 <b>building</b> 150:8 <b>built</b> 107:1 <b>bullet</b> 139:2 <b>bunch</b> 101:4 102:16 106:4 <b>burchstead</b> 4:3 8:9,9 94:8 113:12</p>	<p>219:13 <b>bureau's</b> 105:11 <b>burr</b> 4:4 <b>burr.com</b> 4:8 <b>business</b> 17:20 18:1,2,6,12,14,17 52:17 105:2 <b>bvap</b> 174:4,12,16 175:11,13,20 <b>bvaps</b> 175:4 183:6</p>	<p>26:15 27:1,3,9 28:2,4,9,14 29:13 30:1 31:8 32:14 35:5 37:6,15,21 38:10,12 39:10,21 41:19 43:9 45:1 64:20 71:19 73:12 82:10 86:13,19 89:13 90:19 91:13 103:12 126:8,18 132:2 152:5 154:14 168:6 171:15 174:12 210:3,6 222:2 223:2 <b>carolina's</b> 29:12 124:1,15 125:9 164:12,14,20 165:6 <b>carolinians</b> 27:17 28:7 29:11 30:9 35:21 <b>carries</b> 139:2 194:11 <b>case</b> 1:7 7:10 8:16 11:14 12:10 13:21 14:13,19 15:3 18:19 34:11 36:4 49:10 57:2 74:16 77:4 86:8 92:6,7,9 119:17 167:3 171:9 192:4,7 198:21 203:1 206:5 224:9 <b>cases</b> 30:5 92:13 <b>category</b> 25:17 93:5 101:6 102:7 103:18 157:16 <b>caucus</b> 24:7,8,11 <b>caught</b> 83:12</p>	<p><b>cell</b> 52:13,17 53:12 <b>census</b> 60:16,17 66:11 88:1 89:3 89:10,16 90:3,19 91:9,13 95:5,9 105:10 212:13 <b>certain</b> 16:12 58:3 67:5,6,8 88:17 92:13 103:6 136:4 159:19 173:14 <b>certainly</b> 25:7 26:8 27:2,4 28:2 29:13,16 31:14 66:15 67:11 71:7 75:8 77:18,19 93:3 98:10 105:6 105:20 107:19 110:2 117:1 135:14 156:2 157:2 168:20 172:12 183:9 184:13 187:5 198:14 208:8 217:11,15 <b>certificate</b> 224:1 <b>certify</b> 224:5 <b>cetera</b> 18:18 28:4 127:13 205:1 <b>chair</b> 60:6 62:17 64:8 65:9,15 66:6 66:20 67:15 68:13 79:5 92:1 102:13 116:7 133:2 170:5 170:19 <b>chairman</b> 24:6,9 24:16 59:4 61:19 62:5 74:21 140:21 144:8 193:5 198:9 198:10,19 203:16 <b>chairmanships</b> 24:13,14</p>
	<p><b>c</b></p>		
	<p><b>c</b> 1:9 3:1 4:1 5:1 7:1,8 86:1 88:15 103:5,5 222:3 223:3 <b>cake</b> 135:17,20 <b>calculation</b> 94:15 97:11 <b>calculations</b> 95:13 <b>call</b> 59:1 160:21 208:8 <b>called</b> 76:14 172:2 <b>calls</b> 53:14 160:15 <b>candidate</b> 22:4 39:2,3 173:4 <b>candidates</b> 21:2,7 22:2,9,9 <b>capability</b> 140:16 <b>capable</b> 64:18 187:11 <b>capacity</b> 17:18 43:1,5,8 53:20 <b>capitol</b> 26:11 <b>care</b> 121:6 <b>careful</b> 85:20 <b>carefully</b> 171:3 <b>carolina</b> 1:2,5,14 2:4 3:16 4:6,14 7:7,10 11:16 13:6 16:16 19:8 23:11 25:6,7,11,21 26:13</p>		

<b>challenge</b> 66:19 <b>challenges</b> 16:12 <b>chance</b> 82:4,17 86:4 139:4 219:17 <b>change</b> 81:2,9,13 81:15,16,16,17 107:19,20 113:8 176:14 <b>changed</b> 23:1 38:6 113:14 <b>changes</b> 66:3 97:5 162:9 166:3 171:14 186:17 202:19,20,21 204:8 215:18 <b>changing</b> 47:19 49:3 171:13 <b>chapters</b> 17:5 <b>characterization</b> 18:9 <b>charge</b> 76:10 127:11 132:10 <b>charged</b> 26:8 <b>charleston</b> 19:16 19:20 20:1,2 26:13 165:16 176:10 <b>checks</b> 51:9 <b>chesterfield</b> 78:11 <b>chief</b> 71:2 128:14 128:20 130:6 131:12 <b>chiefly</b> 150:13 <b>child</b> 63:5 <b>choices</b> 108:9,14 <b>choose</b> 135:3,3 <b>choosing</b> 101:11 102:2 146:13 <b>chose</b> 58:6,8 76:7 79:20 117:19 184:14 190:14	195:16 198:16 <b>chosen</b> 87:13 <b>chris</b> 45:20 46:18 48:2 <b>circle</b> 159:21 <b>circulate</b> 94:5 <b>circumstances</b> 88:19 <b>cities</b> 117:13 <b>civil</b> 36:14 165:10 165:20 <b>claim</b> 168:17 <b>claims</b> 15:17,19 16:1 91:13 <b>clarification</b> 9:21 <b>clarify</b> 174:2 214:17 <b>clarity</b> 32:20 <b>class</b> 33:4 <b>classify</b> 159:10 <b>clear</b> 62:6 170:4 173:7 <b>clearance</b> 120:3 <b>clearer</b> 209:16 <b>clearly</b> 9:16,21 <b>click</b> 130:10,10 134:18 218:5,5 <b>clicked</b> 208:1 <b>clicking</b> 134:21 <b>climb</b> 63:14 <b>close</b> 86:19 115:18 128:7 217:21 <b>closed</b> 142:19 <b>closer</b> 11:21 <b>closes</b> 141:18 215:3 <b>club</b> 42:14,16 <b>coffee</b> 46:9 <b>cohesion</b> 177:13 <b>collaborated</b> 160:9	<b>colleague</b> 8:5 <b>colleagues</b> 88:7 160:4 <b>collect</b> 120:12 <b>collected</b> 121:3 <b>collecting</b> 76:10 <b>college</b> 19:16,19 19:20 130:13,14 <b>colloquy</b> 78:19 <b>color</b> 21:2,7 22:9 22:10 107:2 <b>columbia</b> 1:3,14 2:4 3:16 4:6,14 7:10 54:11 68:2 111:13 148:2 <b>combat</b> 25:7,10 <b>combated</b> 25:20 <b>combination</b> 62:14 156:20 162:20 214:7 215:3 <b>combined</b> 163:15 181:21 <b>come</b> 17:10 34:4 36:1 46:6 57:17 91:14 101:5 107:6 108:13 110:2 114:12,16 119:3 120:19 133:6 137:7 170:10 189:20 191:8 197:14 208:9 217:11 <b>comes</b> 158:15 192:8 <b>comfortable</b> 94:1 <b>coming</b> 36:18 57:9 76:15 89:16 141:5 163:1 171:10 185:17 190:17	<b>comission</b> 43:10 <b>comment</b> 77:14,20 78:16 <b>comments</b> 58:12 58:15 99:13 120:18 121:7,17 121:20 122:3,6,8 122:16 145:20 151:11,12 156:5 189:13 197:14 204:17,21 211:2 <b>commission</b> 8:10 43:9 219:12,14 <b>commissioning</b> 183:13 <b>commitment</b> 64:15 <b>committee</b> 6:9,11 24:6,15,16 28:10 28:15,21 33:6 35:20 39:16,20 40:3,9,13 41:2 50:15 54:7,20 55:10 56:7,20 57:13 58:1,4 60:6 61:1,10,14 62:1,3 62:18 63:2,9 64:17 65:7,9,15,18 68:16,19 69:3,9,11 69:13 70:7,18 71:19,21 72:1,13 73:9,13 76:4 79:20 82:11 83:14 83:15,18 84:1 88:8 93:15 94:18 96:4 99:10 100:1 108:1 111:19 112:7 115:21 116:8 120:12,17 121:6,10 122:1,4,5 123:2,12,16
--	--	--	--



[committee - conduct]

Page 8

124:16,16 127:6 127:10,20 132:12 133:2 138:20 142:15 143:6,9,18 143:19,21 145:5 146:15,17 147:9 148:5,14 150:10 151:10 154:15,16 157:7,18 158:2,21 159:2,7,17,18 161:4 163:4 167:5 167:8,11 169:3 173:12,16,17,18 173:19,21 174:15 175:2,6,12 176:17 176:21 177:3,9,19 178:7,9 179:13,17 180:6 183:4,8 184:5,7,11,14 186:1,6,14 187:1,4 187:10,17 189:12 189:19 190:11,14 190:15,18,19,20 191:5,11 192:1,5,5 192:9,14,20 193:8 194:2,18 195:11 195:16 196:1,20 197:4,21 198:6,11 198:13,14,15,18 199:1 201:7 202:1 202:10,15 203:15 203:21 204:11,21 215:5,15 216:12 216:18 <b>committee's</b> 82:12 83:2 111:10 121:12 <b>committees</b> 43:3 123:17 125:10,20 <b>common</b> 43:20 99:3 163:1	<b>communicate</b> 70:5 119:2 143:5 145:15 <b>communicated</b> 192:19 <b>communicating</b> 65:18 146:11 158:3 167:7 216:1 <b>communication</b> 59:16 70:9 218:3 <b>communications</b> 56:6 138:3 161:5 218:2,6,11 <b>communion</b> 35:13 <b>communities</b> 36:2 36:3 81:6,15 98:17,21 99:8,11 99:17,21 100:4,6 100:12,20 101:3 103:6 104:8 105:12,15,19 106:9,15,18 107:2 107:10 136:8 151:8 168:8 183:19 <b>community</b> 25:4 34:1 42:12 101:9 102:18 103:9,10 103:13 104:11 136:16 <b>compact</b> 97:20 98:7,8 108:4 168:7 183:15 <b>compactness</b> 81:5 81:15 93:19 94:13 94:19 95:2,8,14 96:2,7,21 97:11 149:21 150:2 183:18 201:1 <b>compare</b> 160:3 184:9 213:4	<b>compared</b> 172:8 180:20 182:2 204:5 <b>comparing</b> 213:1 <b>comparison</b> 185:1 <b>comparisons</b> 212:3 <b>compelling</b> 110:8 <b>competing</b> 100:4,6 100:12 107:10 151:8 <b>compile</b> 99:10 <b>compiled</b> 99:15 122:3 141:15 142:21 <b>compiling</b> 99:14 <b>complaint</b> 14:20 <b>complaints</b> 134:6 <b>complete</b> 221:6 <b>completely</b> 188:2 <b>compliance</b> 97:21 108:20 109:15 110:7 134:20 135:1 176:18 178:13 215:11 <b>compliant</b> 107:20 <b>complicated</b> 153:8 158:6,8 <b>complied</b> 135:11 135:16 148:7,16 149:6,14 150:11 178:19 202:17 204:5 <b>complies</b> 109:8 168:5 <b>comply</b> 5:14 93:8 108:8,18 123:19 133:18 134:3 148:7 <b>component</b> 65:20 94:21 100:13	148:10 200:1 <b>components</b> 144:1 167:18 <b>composition</b> 40:8 40:13 178:7 216:21 <b>computer</b> 52:21 71:2,6 <b>computers</b> 126:15 <b>concentrated</b> 107:15 <b>concept</b> 37:7 106:2,3 177:15 206:20 <b>concepts</b> 104:21 <b>conceptualizing</b> 186:12 <b>concern</b> 41:6 95:12 115:8 116:13 211:6,16 <b>concerned</b> 27:21 <b>concerning</b> 203:11 215:13 <b>concerns</b> 25:5 26:21 27:8,10,12 28:11,12,14 76:15 88:5 98:6 129:10 134:5 155:5,17 160:13 161:15 189:2,3 211:5 <b>concert</b> 137:12 142:10 176:7 <b>concludes</b> 219:19 <b>conclusion</b> 108:14 <b>condense</b> 165:14 <b>conditions</b> 88:17 <b>condolences</b> 59:3 <b>conduct</b> 41:12 52:5 76:20 148:15 175:2 178:9
--	--	---	---

[conducted - corrections]

Page 9

<p><b>conducted</b> 32:16 178:18 180:8 202:16 <b>conducting</b> 127:11 149:5 <b>confederate</b> 26:6 26:11,16 <b>confer</b> 74:9 <b>conference</b> 1:5 7:7 16:16 17:5 126:8 181:6 210:3 212:18 213:21 222:2 223:2 <b>conference's</b> 181:1 181:8 182:17 211:13,18,21 <b>configuration</b> 97:1 <b>confines</b> 54:13 105:4 131:11 <b>conflict</b> 99:20 100:3 108:2 <b>conflicts</b> 146:8 151:7 157:18 <b>conform</b> 68:11 <b>conformed</b> 68:9 <b>congratulations</b> 59:3 <b>congressional</b> 5:21 23:9,12,14 62:4 63:15 64:21 82:13 125:19 158:12 168:3,11 <b>conjunction</b> 149:11 <b>connect</b> 133:7 143:11 <b>connected</b> 18:16 37:8 120:1 143:10 159:8,10 166:11 201:6</p>	<p><b>connecting</b> 36:17 142:12 143:7 207:12,13 <b>connection</b> 37:18 38:3,5 39:14 <b>connects</b> 164:16 <b>cons</b> 180:16,17 <b>consider</b> 17:2 24:18 29:21 32:1 32:10,11,12 67:10 70:16 81:14 135:5 184:13 190:15 <b>consideration</b> 41:10 100:17 106:14 122:7 135:11 142:10 146:3 165:9,21 190:11,16 <b>considered</b> 33:14 100:10,21 104:8 105:7,12 109:12 115:14 199:12 202:9 <b>considering</b> 33:20 174:16 186:16 195:6 216:14 <b>considers</b> 168:8 <b>consolidate</b> 165:15 <b>constantly</b> 155:11 <b>constituents</b> 34:4 51:2 53:19 <b>constitution</b> 81:3 123:20 168:6,6 <b>constitutional</b> 110:4 177:4 <b>constitutionally</b> 92:17,20 109:19 110:9 <b>constraints</b> 117:11 <b>consult</b> 160:7</p>	<p><b>consultant</b> 69:19 70:3,4 <b>consultants</b> 59:8 69:12,18 <b>consultation</b> 70:6 157:5 <b>consulted</b> 117:1 157:20 158:9 <b>consulting</b> 75:11 <b>consumed</b> 180:16 <b>cont</b> 4:1 6:1 <b>contact</b> 79:8 157:7 215:17 <b>contacted</b> 193:7 <b>contained</b> 36:2 184:10 <b>content</b> 11:12 12:18 13:4 47:11 49:1 73:14 124:3 131:17 176:15 <b>contention</b> 213:20 <b>context</b> 29:15 30:10 32:1,4 36:6 36:8,15,16 40:6 42:18 101:17 102:9 137:12 173:5,7 174:4 178:7 198:10 <b>contiguity</b> 183:19 <b>contiguous</b> 108:4 168:7 200:20 <b>continue</b> 12:6 74:8 <b>continuing</b> 219:3 <b>continuity</b> 210:18 <b>continuous</b> 205:15 <b>contour</b> 96:18 <b>contracted</b> 205:6 <b>contrast</b> 184:9 213:5 <b>contrasting</b> 213:1</p>	<p><b>control</b> 63:6 <b>controls</b> 57:7 <b>convened</b> 61:10 <b>conversation</b> 55:16 59:13 <b>conversations</b> 14:3,4 15:8 137:19 169:4,10 203:10,12 204:1 <b>conversing</b> 162:17 <b>conveyed</b> 197:7 <b>coordinate</b> 54:14 65:13 <b>coordinating</b> 68:1 118:12 <b>coordination</b> 118:16 <b>copies</b> 79:2 140:20 141:6 197:14 <b>copy</b> 50:3 57:17 123:11 <b>core</b> 135:14 207:8 207:9,16,18 <b>corner</b> 145:12 <b>correct</b> 12:11 21:18 22:19 23:19 50:11,18 63:3 72:8 87:12 90:6 107:16 113:10 128:5,12 129:12 129:20 141:9 154:5 155:4 169:7 190:7 195:7 196:9 202:11,12 204:14 210:7 213:10 214:12 215:8,14 216:15,19 221:6 <b>correction</b> 222:5 223:5 <b>corrections</b> 221:7</p>
---	--	---	--

[correctly - days]

Page 10

<p><b>correctly</b> 12:15  26:3 45:7 54:8,12  57:16,18 62:19  77:20 78:12 79:13  105:15 112:12  130:4 141:1,4,21  156:1 157:3 161:1  165:14 169:4  181:14 186:19  189:17 192:19  200:17 209:9  211:8 212:12  <b>correlated</b> 37:6,15  37:21 38:1  <b>counsel</b> 7:6,17  8:21 10:8 11:19  12:9 13:16 14:13  15:8 49:6,10 57:1  68:18 71:7 75:11  75:13 131:12  144:17,17 147:10  149:10 150:13  159:20 169:5  170:1,9,11 171:1  176:8 177:1  178:21 182:14  184:9 203:3 205:7  213:3,9 215:5  216:12 224:8  <b>count</b> 89:10  <b>counties</b> 117:14  208:6,11,18 209:6  <b>country</b> 42:16  <b>county</b> 78:11  105:9,17 138:4  145:10 158:14  165:16 209:12,13  209:13 212:12,14  <b>couple</b> 13:15 28:8  28:19 55:9,10  57:3 73:11 84:4</p>	<p>115:17 123:14  129:19 161:3  163:17 188:2  190:2 209:20,21  <b>course</b> 29:5 33:8  34:7,8 35:19  55:11 69:2 77:20  88:11 90:5 112:15  117:7 135:2  137:19 138:7  157:2  <b>court</b> 1:1 7:9,13  8:17 9:14 10:6,10  11:5,9,20 12:6  19:2 35:1 53:4,8  92:8 113:7,10  135:18 161:6,12  169:11,13 177:20  178:3 202:3,6  218:21 224:3  <b>courtroom</b> 9:11  <b>courts</b> 206:5  <b>covered</b> 42:21  <b>covid</b> 66:15 79:7  89:2,9,11,14,16,20  91:2,5 117:11  <b>create</b> 62:3 111:19  155:13 186:20  190:19 191:3  <b>created</b> 83:8,18  87:2 99:16 138:20  179:3 180:11  212:15  <b>creating</b> 109:4  142:5 143:17  <b>creation</b> 61:10  67:11 109:12  <b>criminal</b> 19:4  <b>criteria</b> 5:13 31:10  71:14 75:5,10  77:21 78:10,18</p>	<p>79:11,12,21 80:20  81:1,9,20 82:7,12  83:2,19 88:15  102:14 108:2,13  108:20 111:16  127:7 133:19  135:15,16 148:4,7  148:16 149:7,15  179:15 180:7  208:20 215:10  <b>criteria</b>s 207:21  <b>critiques</b> 88:5  <b>cross</b> 39:20 40:16  <b>crossover</b> 177:15  177:18,21  <b>cultural</b> 35:6,7,9  35:10,14,16,17  36:3 102:16  <b>culture</b> 35:11,11  36:7,9,13,14  <b>current</b> 22:11  44:12 107:9  136:12  <b>currently</b> 19:11  20:15 126:21  <b>cusick</b> 3:3 5:3 8:2  8:3 9:1,3 11:10  12:7 25:18 31:21  35:4 46:16 53:9  72:18 73:7 74:13  74:19 81:18 82:9  85:7,15 91:7 94:2  94:7,11 98:3  109:6 110:6,12  111:1,7 112:21  113:5,9,16,20  120:2 135:21  149:3,12 152:14  152:19 153:6,10  161:13 169:16  170:3 171:20</p>	<p>172:3,4,14 176:4  177:6 178:4  181:20 182:10  190:1 193:14,20  202:7 216:4  217:19 218:13  219:2  <b>cut</b> 36:20  <b>cv</b> 1:8 7:10  <b>cycle</b> 61:5 87:17  119:6,10,14</p>
			<p><b>d</b></p>
			<p><b>d</b> 7:1  <b>daniel</b> 130:21  <b>danielle</b> 1:21 2:14  7:14 224:3  <b>data</b> 60:17,18  66:11 89:10 90:19  99:16,18 139:8,10  139:18 140:2,6,11  140:14 164:13  166:8,12 177:7  197:6 204:16,18  <b>date</b> 64:14 98:12  189:6,21 221:14  222:21 223:21  <b>dated</b> 82:14  <b>dates</b> 54:14,16  61:8 76:17  <b>daughter</b> 45:14  <b>david</b> 34:13  <b>davney</b> 161:1  <b>day</b> 45:15,16  105:21 127:11,11  161:8,18 169:15  188:20 189:1  190:21,21 191:3  218:8 219:9  224:13  <b>days</b> 52:6 64:4  133:11,15,16</p>

[days - different]

Page 11

<p>155:15 188:14 190:20 218:7 <b>deal</b> 66:17 97:5 98:10 119:21 189:21 <b>dealing</b> 93:16 <b>deals</b> 86:4 93:19 217:6,10 <b>dealt</b> 17:19 26:5 28:18,19 43:15 <b>dean</b> 11:17 12:9 55:13 57:11 59:20 59:21 67:13 68:17 75:16 76:1 77:1,7 80:16 118:15,19 123:4 132:9 150:19,20 179:19 203:8 <b>debate</b> 28:13 <b>decades</b> 27:5 <b>december</b> 205:4 <b>decide</b> 78:8,12 <b>decision</b> 26:19 64:8 69:14 90:1 91:20 109:4 116:7 116:7,8,11,21 117:2 217:14 <b>deck</b> 68:21 <b>decrease</b> 175:13 <b>decreased</b> 85:14 <b>decreasing</b> 84:20 <b>dee</b> 96:18 161:20 <b>defendants</b> 1:10 3:11 4:2,10 5:8,10 8:8,13 45:19 46:18 48:2 <b>defending</b> 8:15 <b>defense</b> 3:5 8:3 34:21 35:3 43:9 <b>deference</b> 171:2</p>	<p><b>define</b> 30:18 35:10 36:9 96:13 98:21 101:5,9 <b>defined</b> 99:21 <b>definitely</b> 41:16 108:7 115:13 170:4 <b>definition</b> 38:18 85:2 96:14 97:10 99:1 102:17 <b>degree</b> 47:13,14 137:13 167:16 177:13 182:9 <b>delayed</b> 88:1 89:2 115:21 <b>delegation</b> 137:8 137:16 138:1 145:8,10,15 146:5 160:8,10 <b>delegations</b> 142:11 157:19 159:1,3 215:16 217:5,5 <b>deligation</b> 137:8 137:10 <b>delineate</b> 184:18 <b>democrat</b> 62:8,9 <b>democrats</b> 38:10 38:14 <b>demographic</b> 139:7,10 140:2,6 <b>demonstrate</b> 89:21 91:4 <b>demonstrated</b> 36:5 <b>dennis</b> 11:17 12:9 14:7 59:17 75:15 76:1 131:7 144:13 150:17 163:7,8 169:8,9 203:8 215:6</p>	<p><b>department</b> 27:3,5 <b>depend</b> 160:6 175:15 203:3 <b>depending</b> 162:14 216:2 <b>depends</b> 65:11 <b>deponent</b> 221:1 <b>deposed</b> 15:3 17:15 <b>deposition</b> 1:13 2:1 7:5,11 8:14 9:5,15 13:13 14:12,14 15:6,10 17:14 28:2 73:1 92:5 103:16 178:6 219:7,20 220:1 <b>depositions</b> 9:20 18:16 48:13 <b>depth</b> 47:13 <b>dequit</b> 130:15 <b>describe</b> 15:21 38:20 67:14 71:4 126:14 131:9 184:18 <b>described</b> 56:12 63:6 167:15 170:2 170:6 185:21 <b>describing</b> 106:11 <b>description</b> 31:15 147:12 189:19 192:3 204:10 209:14 <b>desire</b> 191:2 <b>desired</b> 191:12 <b>desktop</b> 52:21 <b>detail</b> 71:12 <b>details</b> 30:15 <b>determination</b> 64:9 94:15 97:2 116:17 117:13</p>	<p><b>determinations</b> 67:1 146:7 <b>determine</b> 66:6 74:8 95:14 100:14 101:19 175:3,13 175:19 179:1 183:5 198:17 <b>determined</b> 66:7 99:19 183:20 188:17 <b>determining</b> 58:13 150:6 162:10 <b>developing</b> 84:2 144:6 147:10 <b>development</b> 25:1 83:5,6,7 <b>deviation</b> 86:5,10 86:11,21 87:8,18 88:2,16 92:8,19 93:7 95:18 107:21 129:5,10 134:4,20 140:18 145:17 163:13 206:2,6,8 <b>device</b> 53:1 <b>differ</b> 181:4 <b>difference</b> 89:1,5 183:11 213:5 <b>differences</b> 180:17 180:18 181:19 184:10,18 212:5 217:16 <b>different</b> 16:21 29:6 37:12 40:1,2 40:2,5,18,18 41:5 41:18 45:15 55:10 56:6 63:12 69:1 84:21 85:12 90:1 92:21 97:15 99:3 102:16 104:1 105:6 112:1,15 128:9 146:3</p>
--	---	---	---

[different - draft]

Page 12

148:19 151:11 162:20,21 167:18 180:10 181:5,7,18 182:15 184:10,19 188:2 190:21 207:21 212:3,5,21 <b>difficult</b> 33:1 43:7 43:12 64:5,10,13 64:15,16 110:1 145:16 162:1 <b>digest</b> 75:7 79:16 80:4 189:19 <b>diligence</b> 203:18 <b>dilution</b> 84:13,16 85:3,9 <b>diminishes</b> 209:13 <b>direct</b> 70:9 200:8 210:10 <b>directed</b> 129:7 <b>direction</b> 129:3 <b>directly</b> 45:17 119:21 170:10 189:13 <b>disagree</b> 217:12 <b>disagreements</b> 146:5 <b>discovery</b> 14:21 219:5 <b>discrepancies</b> 154:4 <b>discrimination</b> 29:10 30:9 31:3 32:2 103:17 <b>discuss</b> 14:12,15 50:10 53:12 60:19 75:8 118:8,10 169:20 180:2 <b>discussed</b> 63:7 88:10 90:14 115:14 116:9,9 159:20 164:10	204:17 211:16 214:21 <b>discussing</b> 186:16 194:3 <b>discussion</b> 47:12 80:5 88:11 113:18 151:9 163:9 165:17 195:10 <b>discussions</b> 11:12 12:19 44:10 49:1 54:19 62:12,14 131:18 151:2 170:1 176:16 195:4 203:8 <b>displace</b> 162:6 <b>disproportionally</b> 28:6 <b>disproportionately</b> 27:16 <b>dispute</b> 16:3 <b>disputes</b> 16:7 215:18 <b>disputing</b> 15:15 <b>district</b> 1:1,2 7:9,9 20:6,8,12 22:12 23:5,10,12,14,15 23:17 24:19 34:2 59:4 62:5 63:15 64:21 86:13 95:3 105:11 107:9,10 107:13 127:1,2 129:6 131:19 132:18 133:1,7 134:3,11,16 136:3 136:18 137:5,10 140:8,9 146:6 148:6,15,15,16 149:5,5,6,14 150:4 150:7 157:8 158:12 160:5,9 161:15,16 162:11	162:16,17 163:11 165:15,18,19 170:13,14,17,18 171:8 172:16,20 172:20 173:8,13 174:3,6,7 175:10 175:17,21 176:3 178:17,17,19 179:3,3 182:12 197:3 201:2,3,4 207:14,15 <b>districting</b> 208:10 <b>districts</b> 16:12,14 86:18,19 87:4 95:19 97:19 98:6 119:15 126:20 131:5 133:6,8,21 134:2 137:16 142:9 147:16 149:21 157:13 160:3,10 162:1,6 163:1,14 165:15 170:21 171:11 172:8 173:10 174:11,16 175:1,1 175:3 176:11,14 178:10 180:13,14 180:21 181:10 182:1,1 200:20 201:6 204:8 206:20 207:10 213:5 214:1,3,3 217:6,18 <b>diverse</b> 62:7,7 <b>divide</b> 106:18 208:13 <b>dividing</b> 208:11 <b>division</b> 1:3 7:10 <b>doctors</b> 168:19 <b>document</b> 47:1,3,4 47:8,9,10,20 48:5	48:7,8,18,19 71:17 72:2,9,10 73:16 76:8,11 78:16 79:17 80:8,10,11 80:13 81:21 82:7 82:17 83:17 95:20 124:6,7,19,21 125:5,12,18 138:14,18 149:13 149:16 154:18 185:11 <b>documents</b> 5:9 14:17,21 15:9 46:20 48:15 49:8 49:10,12 72:19 73:7 75:6 83:21 94:4,6 119:13 121:3 122:2,21 123:7,8 126:2 184:21 213:3,7 219:6 <b>doing</b> 42:1 60:16 118:9 203:18 <b>downloaded</b> 154:3 <b>dr</b> 34:13 70:14 <b>draft</b> 6:6 75:9 76:6 77:11 79:17 127:1 142:6 143:2,3,20 145:2,19 147:8,14 147:14,15 148:13 149:18 151:17 152:3 153:1,18 155:2,13,18 156:11 157:12,21 159:1,13 166:2 167:10 177:8,11 178:18 183:15 190:15 191:2 196:8,15 197:7 215:7 216:5
--	---	--	---

<b>drafting</b> 79:11 84:2 212:16 <b>drafts</b> 133:6 136:9 <b>draw</b> 132:16 133:6 134:2,2,3 135:10 137:5 140:8 142:9 163:11 170:21 171:7 <b>drawers</b> 70:17,17 <b>drawing</b> 100:15 107:9 109:5 129:1 129:2,6 134:11 135:10 146:12 148:6 156:14 160:1 216:20 <b>drawn</b> 89:4 129:5 134:1 136:1,3 137:1 141:8,14 142:3 157:9,13 162:11 173:14 214:18 <b>draws</b> 213:21 <b>drew</b> 44:14 136:10 137:2 160:4,4 183:5 <b>driven</b> 66:10 163:14 172:11 <b>driver</b> 67:4 109:4 <b>drives</b> 161:19 <b>driving</b> 106:1 109:7 <b>due</b> 64:2 150:21 203:18 <b>duly</b> 8:19 <b>duty</b> 5:14 9:10 81:16 123:19	51:9,15,21 55:15 55:20,21 56:12 57:8,9,12,15 58:3 58:7 74:15 101:3 112:10 151:12 218:10,17 222:1,1 222:1 223:1,1,1 <b>earlier</b> 13:18 24:13 62:2 87:21 92:5 95:1 103:16 113:14 129:9 141:11 167:14 185:21 196:3 200:19 206:4 207:4 <b>early</b> 30:7 61:12 <b>easier</b> 58:9 74:13 74:16 91:18 93:21 113:3 120:20 153:3 158:5 159:6 <b>easiest</b> 73:17 144:18 <b>easily</b> 48:9 94:5 <b>easy</b> 105:1 <b>echo</b> 11:6 <b>economic</b> 25:1 102:15 103:19,21 <b>education</b> 25:1 30:2 111:19 <b>educational</b> 3:5 8:4 <b>effect</b> 85:18 <b>effective</b> 172:15 173:8,9 174:2,6,10 182:1 <b>effectively</b> 181:10 183:6 <b>efficiency</b> 133:4 141:6 <b>efficiently</b> 127:8	<b>effort</b> 62:2 <b>efforts</b> 61:6 67:14 86:9 112:6 <b>eight</b> 19:15 <b>either</b> 17:4 21:1,4 34:6 45:8 49:7 57:16 58:4 60:21 87:9 114:15 130:8 134:18 137:7 145:3 148:7 182:8 185:3 189:12 203:10 209:10 212:11 213:8 <b>elect</b> 173:4 <b>electability</b> 213:21 <b>elected</b> 20:5,12 25:5 26:20 27:11 27:15 30:21 37:20 43:2,13 45:4 49:17 52:13,16 65:2 107:6 <b>election</b> 8:10 21:19 22:9 23:18 24:9 28:14,16 37:12 61:17 115:2 198:9 219:12,13 <b>elections</b> 20:17 21:16 <b>element</b> 100:8 <b>elements</b> 100:9 <b>elijah</b> 20:21 21:4 <b>eliza</b> 4:18 7:12 130:15 <b>emanuel</b> 26:14 <b>emergency</b> 21:13 <b>employed</b> 42:3 224:9 <b>employment</b> 20:4 20:5 41:21 104:13 <b>enactment</b> 22:20	<b>encompass</b> 102:8 103:15 <b>encompassed</b> 104:18 <b>encompasses</b> 63:19 <b>encompassing</b> 25:3 168:9 <b>encourage</b> 112:2 121:1 <b>encouraged</b> 120:14 <b>ended</b> 138:5 155:14 <b>ends</b> 80:21 141:12 168:3 <b>engage</b> 81:12 <b>engaged</b> 28:9,10 <b>engine</b> 106:1 <b>englea</b> 130:21 <b>englee</b> 130:21 <b>ensure</b> 148:15 <b>entail</b> 56:9 108:21 134:13 <b>entailed</b> 18:10 <b>entire</b> 41:18 108:13 137:8 144:18 149:17 <b>entitled</b> 77:19 <b>equal</b> 95:17 <b>equated</b> 168:18 <b>equipment</b> 128:16 130:11 <b>equity</b> 33:10 148:3 <b>era</b> 29:20,21 30:2 <b>erica</b> 3:13 8:12 <b>errata</b> 221:8 <b>especially</b> 95:16 150:21 <b>esquire</b> 3:3,4,12 3:13 4:3,11
<b>e</b>			
<b>e</b> 1:21 3:1,1 4:1,1 5:1,5 6:1 7:1,1 34:6 49:19,21 50:1,2,7,9,19 51:3			



<p><b>essentially</b> 50:14 63:19 131:13 132:2 134:17 141:15 144:4 146:11 154:2 167:7 188:14,21 189:6,7 192:2 204:8 207:6,16 209:14 210:14 212:8 215:21 <b>establish</b> 92:12 93:12,16 <b>established</b> 127:9 <b>establishing</b> 97:7 115:15 <b>estate</b> 18:8,11 <b>et</b> 1:6,9 7:7,8 18:18 28:4 127:13 204:21 222:3,3 223:3,3 <b>ethic</b> 85:4,9 <b>ethics</b> 24:6 <b>ethnic</b> 84:13,16 <b>evaluating</b> 203:9 <b>evening</b> 35:15 218:4 <b>eventually</b> 133:7 <b>everybody</b> 76:15 94:4 <b>evidence</b> 105:12 <b>exactly</b> 40:14 100:3 <b>examination</b> 5:2 8:21 <b>examined</b> 221:5 <b>example</b> 35:12,15 54:18 85:8 93:4 100:11,15 101:8 103:10,14 107:13 108:3 115:20 145:10 146:13</p>	<p>150:3 166:4 180:12 181:3 200:18 207:14 <b>examples</b> 32:17 85:3 <b>excess</b> 86:12 <b>excessive</b> 212:10 <b>exchanges</b> 51:16 <b>excuse</b> 24:15 76:12 <b>exhibit</b> 5:8,10,12 5:13,14,16,18,20 6:4,6,7,8,10,12 45:19 46:1,1,21 47:2,5 48:5,6,10 48:16 71:17 72:4 72:7,9 80:18 82:14,20 94:5 123:18,18 124:2,8 124:12,17 125:1,6 125:15,17 126:4 138:10,13,16 152:2,12 154:13 154:20 163:19 179:7 194:1,8 197:19 198:3 205:2,3,11 <b>exhibits</b> 73:3 110:16 126:12 <b>exist</b> 171:14 174:13 <b>existed</b> 29:13,17 52:3 80:12 171:11 171:13 <b>existence</b> 119:18 120:5 176:8 <b>existing</b> 206:20 <b>exists</b> 30:14 39:10 44:20 182:13 <b>expectation</b> 73:3 195:9</p>	<p><b>experience</b> 114:9 199:7 <b>experienced</b> 26:12 <b>expert</b> 34:10,21 35:2 38:17 <b>explain</b> 86:7 180:8 206:19,21,21 <b>explained</b> 39:1 63:11 <b>explaining</b> 109:11 109:14 <b>explanation</b> 148:19 195:8 <b>explanations</b> 136:3 <b>expressed</b> 65:6 155:19 160:20 161:17 <b>extent</b> 37:13 49:16 61:11 96:12 129:9 132:13 133:10 156:13 176:16 199:5 <b>eyes</b> 89:6,8 109:15</p>	<p>106:4,7,13 117:13 <b>failed</b> 202:2,5 <b>fair</b> 18:9 21:16 39:7 40:7,11 45:14 51:11 53:11 83:1 87:6 88:15 99:8 106:6 123:21 124:14 125:8 127:14 128:11 132:17,19 142:1 147:12 148:4 154:4 157:11 167:9,12 173:6,11 194:16 196:6 217:5 <b>fall</b> 62:15 102:7 <b>falls</b> 25:17 <b>familiar</b> 33:11 35:6 36:14 37:4 82:19 86:6 93:10 125:14 126:3 170:12 172:15 177:15 206:7,9 <b>family</b> 43:14 <b>far</b> 18:8 29:16 37:19 62:7 64:19 101:15,16 134:20 163:14 173:1 182:20 <b>farm</b> 78:11 <b>fashion</b> 89:5 199:21 <b>father</b> 17:20 18:4 <b>favor</b> 26:3,7,10 <b>favorable</b> 191:20 192:6 196:4 <b>feasible</b> 115:10 116:3 <b>federal</b> 81:4 84:6 92:7 97:21 108:17 108:18 168:7,12</p>
		<p><b>f</b></p>	
		<p><b>face</b> 21:19 22:5 55:5,5,8,8 59:17 59:17 <b>facebook</b> 45:6 <b>facetime</b> 55:7 <b>facetimes</b> 55:9 <b>facilitating</b> 143:3 <b>fact</b> 117:16 178:13 <b>factor</b> 89:15 101:4 103:5,19 109:7,11 109:13 115:19 <b>factored</b> 41:16 <b>factors</b> 99:19 100:21 101:5 102:17 104:2,8,13 104:19 105:8,20</p>	

[federal - full]

Page 15

206:5 <b>feedback</b> 76:9,11 77:14 117:3,6,7 121:18 131:18 133:17 159:4 160:15 <b>feel</b> 9:21 45:15 49:8 94:1 124:4 125:4 188:19 <b>feels</b> 125:14 126:3 <b>fell</b> 172:1 <b>fellow</b> 58:18 <b>felt</b> 64:18 80:2 155:20 191:1 <b>fewer</b> 214:6 <b>field</b> 170:7 177:5 <b>fifth</b> 3:6 <b>figure</b> 46:5 144:20 <b>filed</b> 7:8 <b>fill</b> 64:16 <b>filled</b> 63:21 64:7 <b>filling</b> 65:7 <b>final</b> 111:12 116:21 117:2 125:17 156:14 157:3,21 166:2 214:9,11 216:20 <b>finalized</b> 115:17 151:17 <b>finally</b> 45:16 <b>financial</b> 224:10 <b>financially</b> 7:16 <b>find</b> 44:21 52:4 54:15 56:20 <b>finding</b> 66:13,17 <b>findings</b> 70:14 <b>fine</b> 11:1 110:20 142:12 143:14 145:14 <b>finish</b> 10:20	<b>firm</b> 7:12 50:5 <b>first</b> 12:14,17 14:5 20:4,11,18 26:5 30:20 45:21 46:20 48:4 49:21 61:12 61:15 71:12 80:19 81:7 84:8 96:20 103:19 108:8,17 111:12,18 115:21 123:18 128:8 141:12 151:20 152:20 155:2,13 157:12 163:20 180:19 182:2 199:17 206:19 208:5 215:2 <b>fit</b> 93:5 145:13 <b>fits</b> 196:21 <b>five</b> 46:7 86:11,21 87:1,3,7,11,14 88:12,17,21 92:2,9 92:11 93:1 135:6 193:10 <b>flag</b> 26:6,11,16 215:13 <b>flaw</b> 77:21 <b>floated</b> 132:11,12 <b>flood</b> 77:9 <b>floor</b> 3:6 90:15 93:16 212:2,4 <b>florence</b> 19:8,12 31:8 32:13 33:19 42:4,13,14,15,16 43:15 54:3 118:21 119:2 138:4 <b>flow</b> 127:8 <b>flowed</b> 68:6 <b>flowing</b> 133:3 <b>focus</b> 160:5 163:17 <b>focused</b> 140:17 160:8	<b>folk</b> 75:16 <b>folks</b> 34:8 40:18 53:15,17 54:14 64:9 67:10,21 69:5 75:17 79:7,9 90:4 112:14,16 114:4,11,18 115:14 118:11 133:12 135:9 136:8,11,12 140:17 141:5 142:8 143:18 145:5 155:19 156:5,7,13 157:16 160:16 163:3 168:18 191:8 203:15 216:11 <b>follow</b> 5:16,18 80:11 90:12 124:13 125:7 205:13 <b>follows</b> 8:20 <b>footprint</b> 136:18 <b>forces</b> 162:5 <b>forefront</b> 26:19 <b>foregoing</b> 221:5 224:4,5 <b>forgetting</b> 215:4 <b>forgive</b> 147:19 <b>forgot</b> 79:9 <b>form</b> 25:12 31:13 53:6,15,15 85:5 90:21 98:1 109:1 109:21 119:16 140:11 147:5 148:17 149:8 169:19 172:9 176:1,20 181:5,11 182:5 184:15 189:15 192:2 197:2 199:21	215:20 217:8 <b>forman</b> 4:4 <b>former</b> 50:13 <b>forms</b> 204:18 <b>formula</b> 94:14 95:13 96:5 <b>forth</b> 48:14 54:3 97:6 197:3 <b>forthcoming</b> 194:17 218:16 <b>forums</b> 112:8 <b>forward</b> 31:2 36:1 60:18 68:8 122:7 146:18,20 184:1 <b>forwarded</b> 57:12 57:14 58:8 <b>found</b> 34:3 36:3 44:18 45:3 87:20 88:13,20 159:5 207:15 <b>four</b> 21:20 32:21 33:9 73:9 126:12 <b>fourth</b> 20:15 21:21 72:1,9,10 <b>framework</b> 80:1 <b>free</b> 9:21 49:8 124:4 <b>front</b> 13:8 39:13 44:1 46:21 47:4 48:8 57:21 58:6 128:19 139:16 174:14 187:19 199:5 202:14 212:7 213:19 <b>fruition</b> 181:18 193:7 <b>full</b> 55:21 56:1 80:19 84:7 86:8 90:15 106:11 139:8 140:19 142:6 146:18
---	--	---	--



[full - groups]

Page 16

156:13 167:1 187:12,14 191:13 192:5,11 193:6 195:14,16 196:15 196:19 197:5,7,10 198:15 199:5 204:13,18 217:1 217:13,14 <b>fully</b> 62:18 <b>fund</b> 3:5 8:4 <b>fundamental</b> 171:4 <b>fundamentally</b> 89:17 <b>further</b> 100:2 108:11 120:21 214:15	193:1 199:4 <b>give</b> 35:12 38:7,18 45:18 47:7 67:9 79:17 80:7 93:2 100:11 110:3 115:20 145:9 156:6 157:7 166:21 176:6 187:4 190:13 194:10 205:14 208:1 209:12 210:11 <b>given</b> 57:4 64:6,14 88:1 89:2 105:13 105:18 155:7 171:2 188:20 192:6 195:13 199:18 221:7 <b>giving</b> 27:19 189:2 <b>glad</b> 120:17 <b>gmail</b> 50:10 51:16 51:21 <b>gmail.com</b> 50:7 <b>go</b> 16:5 18:19 19:19 20:1 27:2 28:1 29:6,16 30:1 39:11 46:10 48:14 52:1 56:4,13,14,17 58:6,9 64:18 66:13 70:12,19 71:7 73:5,13 74:5 95:16 99:3 101:15 101:16 102:17 103:8 110:15 111:1 113:16 118:21 120:20 122:6,11 123:12 126:16 129:19 137:17 146:19 162:12,16 166:10 186:20 187:1,3	193:14 194:10,13 195:14 203:18 204:20 210:8 211:9,11 213:11 214:15 <b>goal</b> 106:5 <b>goes</b> 37:19 62:8 97:3 106:11,16 129:14 134:20 146:17 147:18 191:15 196:3 197:3 214:2 216:21 <b>going</b> 7:2 9:5 10:20 11:12 12:18 13:4 14:2 16:6 31:17 35:12,14 37:17,18 41:8 47:11 48:21 54:2 54:8 56:10 61:16 65:19,19 68:8,12 70:13 72:19 73:4 73:8,13 75:4 80:1 80:2,11,15 81:19 84:7 87:20 89:1 92:2 96:9 109:3 110:17 112:1,18 114:3,12 118:1 123:14 124:2,11 126:18,19 129:16 129:19 131:17 134:10,12 138:9 143:12 147:20 148:20 150:1 152:2 154:8,12 162:1,15,17,18 163:17 169:14 176:15 181:12 182:8 183:12 187:8 192:21 193:3,4,21 194:21	196:12 201:1 203:14,15 205:7 209:11 212:19 219:20 <b>good</b> 7:2 8:2,7 9:2 39:20 46:10 65:16 74:4 95:9 99:1 109:11,14 111:8 112:20 136:13 181:13 196:21 203:16 218:4,4 219:18 <b>gotten</b> 27:3 188:20 218:21 <b>gov</b> 50:21 <b>govan</b> 160:19 201:21 <b>govan's</b> 161:15 162:2 <b>governor</b> 36:12 <b>governor's</b> 59:10 59:11 131:4 <b>goyak</b> 130:19,19 <b>grabs</b> 158:17 <b>grace</b> 129:21 <b>grad</b> 130:13 <b>gray</b> 4:12 <b>great</b> 28:3 77:17 107:13 119:21 193:12 <b>greater</b> 105:13,18 182:3 <b>grew</b> 19:9 107:16 158:5 <b>ground</b> 9:6 <b>grounds</b> 26:7,17 <b>group</b> 32:18 33:4 85:11 103:12 144:21 <b>groups</b> 32:11,15 41:5 42:12 43:14
<b>g</b>			
<b>g</b> 7:1 <b>gadsden</b> 4:13 <b>gallery</b> 113:8,9 <b>general</b> 21:19 22:1 22:9 33:20 57:6 71:9 168:19,20 207:1 <b>generally</b> 14:18 111:14 114:20 138:7 207:2 <b>geographic</b> 132:1 166:1 <b>geographical</b> 62:3 94:21 95:4,6,21 100:7,13 136:18 <b>geographically</b> 62:7 96:12 118:2 <b>geography</b> 40:5,18 95:5,8,10,10 96:13 96:15,19 <b>getting</b> 36:11 104:4,14 145:6 167:6 178:15			

[groups - helpful]

Page 17

84:18 99:4 148:19 155:11 <b>growing</b> 162:5 <b>growth</b> 161:21 164:17,17,18,20 165:4 175:16,16 <b>guess</b> 12:20 17:3 22:7 25:19 30:6 32:16 33:2 39:7 42:21 49:21 52:7 52:16 53:10 57:8 60:11 61:6,9 63:16,21 64:21 66:6,7 70:6 71:4 74:2 76:10 80:6 81:8 87:19 91:12 95:12 96:17 98:4 99:5,19 101:5,7,8 102:7,12 106:6 107:8 108:1,6 117:12 119:8,19 127:3,9 129:12 130:2 131:16 132:21 133:10 134:9 136:7 137:2 138:6 139:1 141:10 142:21 143:7 144:5 148:11 149:4 152:20 160:1 162:8,10 171:17 172:5 175:10,18 182:9 183:11 184:17,20 186:14 190:9,21 191:19 194:11 198:8 212:15,15 <b>guessing</b> 18:14 19:16 42:6 157:15 159:20 183:2	<b>guesstimate</b> 158:9 <b>guidance</b> 34:1 131:18 133:17 <b>guide</b> 83:19,21 <b>guided</b> 83:2,14 <b>guideline</b> 5:13 92:15 207:18 <b>guidelines</b> 71:14 75:5,10 76:21 77:15 78:3,17 79:3 81:1,20 82:7 82:12 83:1 84:5 87:6 133:19 179:14 180:7 206:7 208:16,17 215:11 <b>guiding</b> 208:5,8 <b>gullah</b> 103:10 <b>h</b> <b>h</b> 1:13 2:2 5:2,5,7 6:1,3 7:5 8:19 45:19,20 46:18,19 48:2,3 106:7 220:1 221:4 222:1 223:1 <b>hager</b> 71:1 128:6,6 128:8,8 143:18 147:9 215:3 216:12 <b>half</b> 42:9 86:12 87:1,9,10 166:18 <b>halfway</b> 125:3 <b>hand</b> 75:17 79:3 143:5 167:15 189:9 224:13 <b>handful</b> 157:16 <b>handle</b> 44:19 <b>hands</b> 68:21 <b>happen</b> 41:15 51:19 85:17,19 137:12 217:12	<b>happened</b> 141:13 154:1 161:16 <b>happening</b> 150:8 <b>happens</b> 143:15 <b>happy</b> 47:7 73:20 74:5 81:21 110:14 110:15 160:20 161:2,7,10 <b>hard</b> 12:1 29:7 79:2 123:11 147:14 158:1,8 182:6 202:21 219:1 <b>harmful</b> 121:15 <b>hats</b> 150:21 <b>head</b> 9:17 30:12 52:12 56:14 63:18 146:12 151:13 152:1 165:5 176:7 <b>heading</b> 123:19 <b>hear</b> 10:5,8 37:2 41:9 113:3 119:4 122:12 160:13 178:1 181:1 <b>heard</b> 9:8 12:8 19:21 21:15 27:16 28:8,16 33:12 34:5 35:8 37:11 38:17,19 41:4 52:8 70:4 76:1 78:9,11 91:3 103:7 104:17 118:14 128:9 143:18 156:9 160:18 177:17 186:15 224:5 <b>hearing</b> 6:7,13 17:10 35:20 73:8 78:20 90:14 112:3 151:20 154:16 155:3,17 163:18	164:5 179:8 184:12 185:5,8 186:12 187:18 188:5 189:11,12 189:13 191:6 198:10,18 199:2 199:12,17 205:5 209:17 219:17 <b>hearings</b> 17:1,4 28:11 36:18 41:4 45:11 65:15 66:8 67:6 69:2 72:1 73:9 77:20 78:4 79:4 88:6 90:5 99:6 111:10,13 112:7 114:1,3,6 117:4,12,14,17 118:6,12 119:5 120:11,12 121:21 122:17 187:21 197:12 199:19 <b>heavily</b> 66:9 158:6 170:8 <b>hectic</b> 63:8 <b>heed</b> 41:8 <b>held</b> 2:2 7:11 24:12 115:12 116:18 117:14 <b>help</b> 26:17 39:4 51:8 66:1 77:1 99:7 104:11 112:13 126:11 143:6 144:11 147:5 182:14 213:4,4 214:8 <b>helped</b> 142:15 184:18 218:1 <b>helpful</b> 49:9 74:17 98:18 121:15 152:15 167:3 186:12 194:5
---	---	---	---

<p>200:8 201:18  <b>helping</b> 67:18  <b>helps</b> 12:4 124:5  <b>hereunto</b> 224:12  <b>hesitate</b> 93:2  122:18 176:6  <b>hey</b> 111:8  <b>high</b> 162:15 167:6  <b>higher</b> 37:17  91:18 92:18 93:6  <b>highlights</b> 25:2  <b>highly</b> 37:21  <b>highways</b> 106:14  106:17 107:1  <b>hill</b> 20:21 21:4  <b>hire</b> 69:11  <b>hired</b> 69:17  <b>historic</b> 105:2  <b>historical</b> 103:4,7  104:18 165:19  166:5  <b>historically</b> 92:11  102:16 165:18  <b>history</b> 20:4 27:4  29:10,12,13,16  30:8,11,17,18 31:3  31:11,11,14 32:2,6  32:21 56:20  103:16 164:13  165:8,8,10,11  <b>hit</b> 106:5  <b>hoc</b> 6:9 24:16  35:20 54:7,20  55:10,12 56:7,19  57:13,21 58:4  61:1,10 62:1,17  70:18 71:21 76:4  82:12 108:1  115:21 121:12  123:16 124:16  125:10,20 127:6</p>	<p>127:10 142:15  143:5,9,18,19,21  146:17 147:9  154:14 158:2  159:7,18 161:3  163:4 173:17,18  173:19 186:4  187:1,4,10 190:13  190:15,18,20  192:1,4,9,20 193:8  194:2 195:5,11  196:1 197:4  198:11,12,14  199:1 215:5,15  216:11 217:13  <b>hold</b> 24:4 117:12  122:15 135:4  177:3 198:7 200:7  <b>holding</b> 18:5  <b>hollingsworth</b>  3:12 8:11,12 10:8  10:11 11:4 12:2  14:6,7 25:12  31:13 53:4,6  72:18 74:2,17  81:19 82:2,6 85:5  85:10 90:21 94:2  94:9 98:1 109:1  109:21 110:13,20  113:1,13 119:16  148:17 149:8  152:14 153:6,9  169:19 172:9  176:1,20 181:11  182:5 189:15  193:12 215:20  217:8 218:14,20  219:3,11,15  <b>holy</b> 35:15  <b>home</b> 63:11</p>	<p><b>homelessness</b>  43:16  <b>honest</b> 137:21  <b>honestly</b> 114:8  139:12 214:15  <b>hope</b> 71:16 74:9  174:1  <b>hopefully</b> 13:21  46:21 98:5 128:5  138:9 179:8  <b>horry</b> 145:9  <b>hours</b> 154:6 155:2  190:10 191:1,12  192:11 193:5,13  218:7  <b>house</b> 5:8,10,21  6:11,12 8:13  11:15,16,18 16:12  16:13 17:9 20:6  20:12,18 22:12,12  22:21 23:5,9 24:5  24:6,9 25:13 26:1  26:5,6,11,16 28:20  33:5 36:12 39:20  42:2 43:17 44:12  45:19 46:18 48:2  50:1,1,9,21 52:21  56:7 57:10,17  58:18 60:8,12  61:14 69:17 70:7  71:19,20 72:13  82:10 83:7 86:13  86:19 88:7 90:14  93:15 107:9,13  112:11,12 117:21  119:6,15 120:1  122:4 123:16  125:10,19,20  126:7 127:15,19  128:2 129:3 131:5  131:13,14,19</p>	<p>133:1 134:11  137:5 138:12  141:20 146:20  147:1 148:5 149:6  152:5 154:14  155:13 156:10,16  157:11,20 159:13  164:11 167:10,16  168:10 173:13  175:8,10 178:18  180:3,9,14,21  183:17 184:1,16  185:3 186:8,17  187:2,14 190:10  190:17 194:18  195:10 196:12,15  196:15,19 197:7  197:11,21 198:6  198:18 202:10,14  202:15 203:21  204:11,13,15,18  205:4 207:19  212:2 213:2 214:5  216:17 217:1  <b>house's</b> 71:13  155:2  <b>housed</b> 121:3  137:4  <b>hundreds</b> 122:19  122:19  <b>hurting</b> 26:15  <b>hypothesis</b> 182:9  <b>hypothetical</b> 85:8  93:3 110:2,3  175:10  <b>hypotheticals</b>  93:12</p>
			<p><b>i</b></p>
			<p><b>idea</b> 41:9 112:11  195:13</p>

[ideal - interest]

Page 19

<b>ideal</b> 86:10 <b>identical</b> 97:11 <b>identifiable</b> 99:11 105:14,19 <b>identification</b> 47:5 48:10 72:4 82:20 124:8 125:1,15 126:4 138:16 152:12 154:20 194:8 198:3 205:11 <b>identified</b> 73:1 99:13 155:11 218:18 <b>identify</b> 99:7 102:19 136:8 211:5 <b>identifying</b> 106:9 <b>ii</b> 84:6 108:16 <b>imagination</b> 110:5 <b>impact</b> 27:17 28:6 28:7 31:7 32:5,11 32:18 33:3,10 35:18 119:15 208:12 <b>impacted</b> 31:20 89:12,19,20 91:2,5 <b>impacts</b> 31:16 <b>importance</b> 65:18 <b>important</b> 25:15 39:18 40:4,15 62:6 65:16 78:9 79:17 80:3 88:1 174:21 199:10,13 219:16 <b>imposes</b> 170:20 <b>impressed</b> 72:6 <b>improved</b> 27:5 <b>improvements</b> 27:7	<b>inaudible</b> 106:19 146:10 <b>include</b> 44:7,14 55:7,12 75:19 102:14,20 103:20 104:1,3 106:13 129:13 136:2 158:13 163:3 168:13 195:15 <b>included</b> 43:3 147:8 196:18 <b>includes</b> 101:14 147:8 150:15 184:4 <b>including</b> 32:15 41:5 81:5 96:15 121:12 164:10 183:17 <b>inclusion</b> 195:15 <b>income</b> 103:20 <b>incorporate</b> 183:21 <b>incorporates</b> 164:9 <b>increase</b> 98:13,14 134:21 175:13 <b>increasing</b> 209:7 <b>incumbency</b> 44:10 100:17 211:5,16 211:20 <b>incumbents</b> 160:14 211:18 <b>indigent</b> 43:9 <b>individual</b> 102:12 129:14 <b>individuals</b> 11:19 20:19,20 21:1 36:18 40:1,2 41:5 101:10 138:3 159:11 167:17	<b>influence</b> 116:8 145:18 <b>influences</b> 103:5 <b>inform</b> 31:4,11 <b>information</b> 14:1 67:21 70:6 77:9 98:13 118:16 119:21 164:13 166:8 169:21 182:21 183:12 190:12 192:7 <b>informed</b> 64:11 164:11,12 <b>infrastructure</b> 24:21 <b>ingram</b> 3:4 8:5 <b>initial</b> 66:7 75:9 135:12 136:21 142:6 143:3,20 144:6 145:1,19 147:10,13,14,15 148:12 149:18 153:18 156:10,18 157:6,11,21 159:13 167:9,10 177:8,11 178:18 180:21 183:15 186:13,17 189:13 196:2,8,14 201:19 211:10 215:7 <b>initially</b> 43:1 112:17 114:2,6 136:2 160:14 187:17 <b>input</b> 33:21 34:8 47:11 48:21 69:15 76:21 77:11 78:2 78:3,5,8 129:1 147:9,21 156:4 157:19 162:13,18 164:10,10 167:17	179:11,15 186:3 186:16 188:17 189:10,18 191:6 191:11 192:16 198:18 199:4,19 216:7,9 <b>inquiries</b> 112:14 <b>instance</b> 146:10 183:13 186:21 218:6 <b>instances</b> 32:15 <b>institutional</b> 136:17 <b>instructs</b> 10:11 <b>instrumental</b> 67:18 68:5,8 <b>intact</b> 206:20 <b>intensive</b> 178:14 <b>intentionality</b> 85:17 <b>intentions</b> 191:6 <b>interacted</b> 16:15 16:17,19 89:10 <b>interacting</b> 133:12 <b>interaction</b> 12:17 17:2 <b>interactions</b> 17:4 128:21 131:16 133:11 <b>interest</b> 36:2,3 65:3,7 80:21 81:6 81:15 98:17,21 99:8,11,17,21 100:4,6,12,20 101:3,9 102:18 103:13 104:9 105:15,19 106:9 106:15 107:11 136:8 151:8 168:8 183:19 224:10
--	--	--	--

[interested - kirby]

Page 20

<b>interested</b> 7:17	172:13 174:19	13:9 15:13 17:15	195:10,14,16
<b>interests</b> 105:12	211:20,20	19:7 20:11 22:11	196:12,16,20
106:12	<b>issued</b> 52:19,20	24:4,18 26:20	197:5,11,13,21
<b>intern</b> 130:2,9,16	53:1	29:9 37:4 44:21	198:6,15,18 199:5
130:17,18,20	<b>issues</b> 27:15,16	45:1 46:17 53:11	202:14,15 203:21
131:3 134:15	28:5 30:2 95:4	72:12 73:11,15,21	204:11,15,21
<b>interns</b> 71:4 130:1	114:9 153:17	74:20,21 82:5,15	216:18
130:7,12 218:1,11	162:4,8 165:13	101:3 106:20	<b>jump</b> 120:10
<b>interrogatories</b>	<b>issuing</b> 191:20	110:17 111:8	131:1
5:11 48:4,18	<b>it'd</b> 51:11 62:7	113:21 124:4,18	<b>jumping</b> 103:9
<b>interstate</b> 107:1	110:1 133:14	125:11 126:1,14	<b>juncture</b> 144:7
<b>interstates</b> 106:14	143:6	138:14 152:9	212:1
<b>introduce</b> 81:19	<b>item</b> 29:7 75:4	153:12 154:18	<b>justify</b> 92:21
209:20	<b>iteration</b> 159:15	163:21 172:6	<b>k</b>
<b>introduced</b> 194:18	187:9	185:14 188:7	<b>keep</b> 154:10
194:21 195:4	<b>iv</b> 85:21 86:1	193:21 194:6	161:21 162:6
196:7 199:16	<b>j</b>	198:1 218:18	166:1 192:6 208:6
200:4 201:17,20	<b>j</b> 4:20 34:13	219:8 220:1 221:4	215:4
<b>introducing</b>	<b>james</b> 45:19 46:18	<b>jordan's</b> 45:20	<b>keeping</b> 206:20
209:19	48:2	46:19 48:3	208:17 209:6,15
<b>introductory</b>	<b>jay</b> 8:16	<b>judge</b> 9:11	<b>kept</b> 89:16 132:1
164:4	<b>jcsick</b> 3:9	<b>judged</b> 94:13	189:1
<b>invested</b> 17:21	<b>jennifer</b> 3:12 8:11	96:21	<b>key</b> 122:9 150:5
<b>investor</b> 18:17	11:4 73:17	<b>judgment</b> 74:3	<b>kind</b> 25:1,3 55:5
<b>investors</b> 18:2,12	<b>jhollingsworth</b>	<b>judicial</b> 42:10	56:13 62:15,19
18:14	3:18	217:13	63:6 65:20 73:1
<b>invites</b> 205:21	<b>jimmy</b> 69:1	<b>judiciary</b> 6:11	74:3 81:11 91:11
<b>involved</b> 30:19	<b>jmc</b> 1:8	24:9,16 28:10,21	92:10 93:11 95:1
61:6,16,18 68:20	<b>job</b> 109:11,14	43:10 50:15 57:10	116:2 122:10
79:9 107:8 118:11	212:4	57:18 68:7 69:4	127:11 134:18
142:5 143:19	<b>john</b> 3:3 8:3 9:3	69:17 70:8 71:19	135:6 141:6
144:3 148:19	113:1	82:11 88:7 90:15	143:15 147:11
162:10 186:16	<b>joined</b> 8:4	121:6 122:4	159:6,10 162:13
187:7 195:4 203:7	<b>joint</b> 64:8	123:12,16 124:16	164:17 170:6
<b>involvement</b> 79:10	<b>joints</b> 143:7	125:10,20 132:12	181:16 191:7
123:21 124:14	159:10	146:18,18 154:14	200:18,21 207:4
125:8 208:10	<b>jolie</b> 130:15	173:16 175:8	216:6
<b>involves</b> 178:13	<b>jones</b> 20:21 21:6	184:2 185:3 186:6	<b>kinds</b> 165:9
<b>isaac</b> 22:5	<b>jordan</b> 1:13 2:2	187:12 190:11,17	<b>king</b> 201:20
<b>issue</b> 34:7 91:10	5:2,7 6:3 7:5 8:15	191:13 192:5,12	<b>kirby</b> 160:18
107:5 116:1 154:6	8:19 9:2 10:3 11:3	193:6 194:18	



[knew - lens]

Page 21

<p><b>knew</b> 18:17 78:16 88:2,21 89:6 93:17 97:8 136:13 <b>know</b> 9:17 10:18 14:14,16 21:1,4,11 24:2 29:2 32:4 33:7,18 34:13,15 34:17 35:7 36:20 37:11 38:9,15,16 39:7 40:14 43:3 44:7,10,13,20 47:2 48:6 49:8 51:13 54:14 55:4 56:18 57:6 58:7,11 60:15,20 61:11,21 63:14 64:19 65:5 65:5,11 66:3,11,14 67:5,13,15,20 68:16,18 69:17,19 72:3,16 73:10,17 76:15 78:5,7,19 80:15 81:5 82:16 86:3 88:14,18 89:9 92:2,9 94:4 96:18,20 98:11,12 99:2 101:15,16,16 101:17,18 102:2,9 102:10 103:8 104:4 108:5,7,10 108:12 110:1,13 110:14,17 112:2,9 112:11,16,17 113:13 115:1,8 116:6,21 117:10 117:18 118:12,20 119:17,20 120:7,9 120:14 121:14 122:18 123:3,5 127:13 129:21 130:9,12,15 132:14 133:3,10</p>	<p>134:9 136:20 137:11 138:1,13 139:3,18 141:3,10 143:4 146:9,13 147:10,15 148:3 148:11 150:1,7,20 151:1,5 152:6 154:17 155:7,12 156:4,6 157:17,18 158:11,15 159:14 161:7,9,18 162:20 163:8 164:5 166:16 168:18 177:7,8 178:5 181:18 182:7,13 182:18 184:7,9,17 185:5 186:11 187:20 188:11 189:8 190:9 193:2 193:5 195:8 196:10,14 199:5 199:18,21 201:1,3 201:7 203:1,21 204:3,15 206:4 208:7,7,15 211:11 215:18 216:2,5,7 216:11 217:9,13 217:20,21 218:15 219:8 <b>knowing</b> 30:15 122:15 155:8 <b>knowledge</b> 47:21 61:16 112:4 136:17 157:1 167:13 170:7 200:21 203:6,7 <b>known</b> 9:19 25:8 <b>knows</b> 9:19 <b>kurby</b> 138:2</p>	<p><b>l</b> <b>labeled</b> 125:18 <b>lack</b> 31:15 164:17 175:16 189:19 192:3 204:9 209:14 <b>laffitte</b> 4:12 <b>lake</b> 95:3 96:16 <b>lancaster</b> 63:17,19 <b>landing</b> 152:6 <b>largely</b> 107:15 <b>larger</b> 209:13 <b>late</b> 61:13 64:14 66:11 <b>latitude</b> 87:4 <b>law</b> 18:9 19:16,21 20:1,2 24:10 50:5 61:17 68:10,11 77:4 80:11 81:4,4 81:13 84:6 89:7,8 92:6,7,9 97:21 108:8,17,18 115:2 119:17 168:7,12 170:7 198:9 206:5 <b>lawrence</b> 1:21 2:14 7:14 9:14 10:10 224:3 <b>laws</b> 28:14,16 29:17 <b>lawsuit</b> 15:13,14 15:15 16:7,11 18:7,10,21 <b>lawsuits</b> 30:3 <b>lawyer</b> 42:8 110:4 168:18 <b>lawyers</b> 177:2,4 <b>layer</b> 114:9 148:21 <b>laying</b> 198:12 <b>lazar</b> 44:4 <b>ldf</b> 8:5</p>	<p><b>leadership</b> 24:5,11 39:19 60:8,12 <b>leading</b> 171:12 <b>league</b> 181:4 210:5 211:7,21 <b>leave</b> 71:9 188:17 191:9 192:10 <b>leaving</b> 142:7 <b>left</b> 42:10 156:4 189:17 <b>legal</b> 3:5 8:3 11:13 13:5 68:12 77:16 91:19,21 98:9 131:12 144:17 207:15 <b>legality</b> 16:3,9 <b>legally</b> 87:16 88:2 89:21 97:8 203:4 <b>legislation</b> 16:9,10 17:8 25:10,17 26:1,2 28:11,19 29:7 31:7,18,19 32:10,20 33:7 51:4 66:3 151:4 191:21 192:4 197:1,2 203:13 212:3 <b>legislative</b> 24:18 29:5 51:5 68:9 82:13 126:7 <b>legislator</b> 16:20 17:6 35:5 50:20 134:10 <b>legislators</b> 53:18 53:19 58:18 90:7 90:8,12 127:14,16 137:1,2,4,7 145:2 <b>legitimately</b> 39:14 <b>lengths</b> 77:17 <b>lens</b> 171:17 183:18</p>
---	--	---	---

<b>lessens</b> 208:11 <b>letter</b> 124:12 <b>letter's</b> 125:6 <b>letters</b> 73:12,14 123:15 124:11 <b>level</b> 103:20 217:3 <b>life</b> 19:14 63:6 <b>light</b> 219:4 <b>liking</b> 41:21 <b>limit</b> 86:9 116:13 <b>limited</b> 132:3 155:18 168:17 <b>linda</b> 50:12,13 <b>line</b> 39:6 41:20 64:6 67:12 72:16 74:20 80:21 81:7 81:8 86:8 108:10 108:11 109:5 117:19 141:21 147:20 163:20 164:8,14 166:16 167:20 168:3 180:3,3,5 185:13 187:19 188:1,6,9 190:3,5 191:14,15 200:9 205:9,18 206:17 210:20,21 222:5 223:5 <b>lines</b> 36:10 38:14 45:2 60:19 80:18 89:4 100:15 105:10,11,18 107:21 146:6 157:8 164:7 171:14 175:11 179:10 185:16 188:11 191:16 194:13 195:20 200:9 205:17,21 206:17 208:2,21 210:8,10,11	211:12 212:9 213:12,15,15 <b>list</b> 11:17,19 43:18 43:20 53:19,20,21 69:20 93:12 99:10 101:4 106:11 128:1 <b>listed</b> 47:1 145:1 <b>listen</b> 78:6 <b>listened</b> 41:7,7 <b>listing</b> 72:10 <b>literally</b> 64:3 114:12 <b>litigated</b> 87:20 <b>litigation</b> 12:13 13:4 45:17 49:13 <b>little</b> 11:6 12:3 13:12 15:12 19:5 20:3 33:1 43:7 56:11 60:20 71:11 71:13 75:7 79:16 98:5 104:4,15 108:11 111:9 117:18,20 126:11 133:5,16 139:13 144:11 145:16 158:6,7,16 178:16 214:6 217:4 <b>live</b> 19:11 28:3 126:18 158:5,7 <b>lived</b> 161:21 <b>lives</b> 63:17 <b>lividity</b> 16:9 <b>llc</b> 3:14 4:12 <b>llp</b> 4:4 <b>lobbyists</b> 59:6 <b>local</b> 17:4 <b>located</b> 126:16 194:7 <b>location</b> 115:16 116:14	<b>locations</b> 115:11 115:17 117:11,15 118:17 <b>loe</b> 138:2 <b>logistically</b> 64:5 64:10 66:2 <b>logistics</b> 60:3 67:18 151:3 <b>long</b> 42:5 84:9 105:3 138:6 155:12 188:5 201:5 219:9 <b>longer</b> 74:7 193:4 <b>look</b> 32:3 47:7 56:17 58:7 74:5 74:11 82:17 89:19 96:4,10,11 97:14 100:13 106:3 108:13 119:1,8,21 120:21 121:14 136:15 137:4 154:11 171:9 172:13 180:10 181:6 190:3 193:21 203:15,19 210:20 <b>looked</b> 44:2 77:1,2 88:18 96:9 97:15 98:11 101:20 107:19 117:15,17 117:20 118:21 126:20 132:4 171:3,5 177:9 181:5 183:18 <b>looking</b> 13:20 32:6 40:3 45:12 57:8 62:16 94:3 95:2 119:4 134:17 152:7 160:3 162:20 174:19 181:14,18 182:19	212:16 <b>looks</b> 109:16 <b>loosely</b> 206:9 <b>lost</b> 158:7 <b>lot</b> 34:5 54:2 66:9 81:14 104:1 107:19,20 132:15 136:16 137:11 143:14,15,16 150:21 163:16 167:18 183:9 <b>lots</b> 58:11 75:16 <b>lucas</b> 4:20 8:16 45:19 46:18 48:2 59:19 60:14 61:19 62:12 75:19,20 140:21 144:10 <b>lunch</b> 73:19 74:5 74:10,10 82:1 110:21 111:4,17
			<b>m</b>
			<b>mail</b> 34:6 49:19,21 50:1,2,7 51:3,9,15 55:15,20 56:12 57:8 58:3,7 74:15 <b>mailed</b> 151:12 <b>mails</b> 50:9,19 51:21 55:21 57:9 57:12,15 112:10 218:10,17 <b>main</b> 3:15 4:5 <b>maintain</b> 43:12 172:7,11 <b>maintained</b> 175:14 <b>maintaining</b> 162:1 <b>major</b> 65:20 <b>majority</b> 38:9,11 170:12,14,18,21 171:8,11 172:8,19 174:5,21 176:11

[majority - member]

Page 23

<p>176:13 180:12,21 181:15,21 214:3,6 <b>makeup</b> 22:12 <b>making</b> 32:8 60:15 65:13 67:20 68:5 76:14 127:12 151:4 202:18 <b>map</b> 6:4 56:16 63:18 66:1 67:7 68:4 69:3 70:17 70:19 71:1,5,11 95:2 96:11 123:8 123:10,13 126:7 126:10,13,15,19 127:4,5,7,8,12,15 127:16,21 128:13 129:1,11 130:3,4 131:5,7,9,11,16 132:6,15,17,19,21 133:12,14 134:6 134:13 135:9 136:6,15 137:6,17 138:5,6,11,20 139:14 140:12 141:11,18 142:2,6 142:18 143:8,11 143:17 147:7 148:13 149:17,18 150:11 151:3,17 151:21 153:1 155:3,6,12,13,18 156:14 157:4,5,6 157:14,21 158:12 159:1 160:2,14 174:13 176:11 178:18 180:4,9 183:16,21 186:2 186:19 189:3 197:2 202:16,19 204:2,5 210:2 211:13,18 212:16</p>	<p>213:21 214:14,20 215:2 216:20,21 218:1,3 <b>mapping</b> 99:17 <b>maps</b> 5:21 44:14 66:21 67:2,8 83:3 83:5,7,8,10,15,19 84:1 125:19 129:1 129:2 131:19 132:16 133:1,18 135:10,13 136:1 136:21 137:4,5 140:1,7,13 141:8 141:14 142:2,21 144:21 145:3,5,18 145:20,21 146:3 148:6 154:3 160:2 179:16 183:5,14 184:4,7,10,19 185:2 204:6 214:18 <b>mark</b> 173:1,2 <b>marked</b> 46:17 47:5 48:2,4,10 71:17 72:4 82:20 123:18 124:8,12 125:1,6,15 126:4 138:10,16 139:1 152:2,12 154:13 154:20 194:1,8 197:18 198:3 205:11 <b>marking</b> 82:10 <b>maryland</b> 2:15 224:21 <b>mass</b> 21:12 <b>match</b> 145:17 <b>materials</b> 13:10 111:20 <b>math</b> 95:17,20</p>	<p><b>mathematical</b> 94:14 95:13 96:5 <b>matter</b> 7:6 64:13 105:14 <b>mattered</b> 40:8,12 41:1 <b>mburchstead</b> 4:8 <b>mean</b> 16:17 25:2 26:15 27:10 28:2 31:14 36:7 37:14 39:21 41:14 42:18 50:16 52:20 60:13 66:16 73:7 78:10 80:9 81:10,11 83:8 84:17 86:16 87:17 90:16 95:15 95:15 96:9,15 97:18 100:3,4,5 101:2,21 103:5 104:20 106:17 108:4 109:8,10 116:20 119:19 133:14 140:11 143:14 145:7,20 164:15 165:8 170:16 176:2 183:19 185:20 189:5 204:19 205:20 206:15,21 209:7 217:10 218:4 <b>meaning</b> 188:18 <b>meaningfully</b> 80:7 <b>means</b> 9:9 126:12 141:3 166:11 169:6 <b>meant</b> 132:18 <b>measure</b> 94:18 95:8 96:1 <b>measuring</b> 97:10</p>	<p><b>meat</b> 17:14 <b>media</b> 7:4 44:17 44:18 45:13 46:14 111:5 112:8 193:18 <b>medicine</b> 168:19 <b>medium</b> 114:18 <b>meet</b> 60:7,11 149:11 <b>meeting</b> 5:12 12:14 54:16 55:18 60:7,10 67:19 71:18,21 72:13 76:14 79:18,21 111:18 114:16 115:21 116:5 120:15,19 135:6 156:3 159:2 190:10 191:12 192:13 195:9,14 <b>meetings</b> 13:15,17 54:10,11,12,15 55:14 60:13 68:2 78:15 112:18 115:11 116:3,13 116:18 120:15 121:4 136:14 153:21 <b>megan</b> 130:19 <b>member</b> 20:9 42:2 42:12,14,15,15 43:8,14 56:15,19 58:3 62:4 102:12 115:3 118:18 129:4,7,14 130:9 130:10 131:13 136:2,15,17 137:11 143:6 146:18,20 150:5 157:7 174:18,19 179:11,15,20</p>
--	---	--	---



[member - necessarily]

Page 24

186:21 187:2,4,10 187:12 192:9 198:6,8,14 <b>members</b> 16:19,21 17:5 27:12 34:1 41:13 43:20 44:7 54:7,21 55:10 56:6 57:13 58:8 58:18 61:11,21 63:1 65:17 68:16 68:19 69:8 71:5,6 76:4 77:11 84:18 112:11,12 116:8 121:10 122:5,8,15 123:1 126:16 128:1 133:6 134:2 135:5 137:7 143:9 145:21 146:6,16 148:5 149:9 155:1 155:17 156:21 157:13,20 158:2,3 158:9,21 159:17 159:18,19 160:1 160:10 161:3 162:13,15,17,18 163:5,10,15 164:11 167:16 173:21 184:5 186:6 190:13,17 190:18 192:19 193:7 195:5,15 197:11,13 199:11 204:1,16 215:5,16 216:1,12 <b>membership</b> 24:7 40:12 62:18 186:4 <b>memory</b> 13:20 29:4 76:6 147:20 181:13 <b>mention</b> 19:21 85:16 208:5	<b>mentioned</b> 14:16 33:18 40:20 45:10 67:13 85:4 87:7 89:9 92:5 115:8 119:4 132:14 136:20 218:18 <b>mess</b> 114:10 115:1 <b>messages</b> 54:5 56:1 218:10,17 <b>met</b> 34:19 69:21 88:17 132:3 145:10 192:11,14 192:15 <b>method</b> 51:1 <b>methods</b> 182:11 <b>michael</b> 4:3 8:9 <b>middle</b> 10:19 84:12 92:16 <b>mike</b> 24:1 <b>mind</b> 9:15 35:13 35:16 75:2 88:3 93:20 94:21 104:21 106:16 116:2 128:20 129:13 133:20 136:11 172:20 176:10 179:9 201:9 <b>minds</b> 136:17 <b>minimize</b> 84:19 <b>minor</b> 166:2 <b>minority</b> 32:11,14 32:18 33:4 84:13 84:17 85:4,9 170:12,14,17,21 171:8,11 172:8,16 172:19 173:5,8,9 174:3,5,10,21 176:11,13 180:12 180:21 181:15,21 214:3,6	<b>minus</b> 86:12 87:10 87:14 88:17 206:11 <b>minute</b> 63:4 74:3 165:11 193:10 209:11 <b>minutes</b> 46:7 116:1 <b>mishear</b> 174:1 <b>mislabelled</b> 100:19 <b>missing</b> 51:10 <b>mistake</b> 203:4 <b>mistaken</b> 148:1 <b>mix</b> 17:19 <b>mixture</b> 62:9 <b>molded</b> 157:2 <b>moment</b> 12:2 24:17 39:12 45:18 47:7 59:16 72:3 72:17 81:11,18 82:15 84:7 86:2 98:18 110:12 113:16 124:18 125:12,21 153:14 166:14,21 167:2 167:21 191:16 193:9,15 194:13 195:19 200:11 205:8,9 209:1,3,18 210:9,11,21 213:11,13 <b>moments</b> 211:15 <b>month</b> 138:8 <b>moore</b> 14:7 <b>morning</b> 7:2 8:2,7 8:14 9:2 218:4 <b>motivated</b> 29:18 <b>motivating</b> 109:13 <b>mount</b> 165:16	<b>mountain</b> 63:14 96:17 <b>move</b> 93:18 155:7 <b>moving</b> 15:20 66:12 115:16,19 122:7 143:14,16 <b>multiple</b> 54:11 190:19 <b>multitude</b> 116:3 <b>municipality</b> 105:9,17 <b>murphy</b> 45:20 46:19 48:3 59:20 61:19 62:12 141:1 144:5,8 193:5 <b>mute</b> 171:21 <b>n</b> <b>n</b> 3:1 4:1 5:1,1 7:1 <b>naacp</b> 1:6 3:5 7:7 8:3 16:16 41:6 73:12 126:8 180:13 210:3 222:3 223:3 <b>naacpldf.org</b> 3:9 <b>name</b> 8:2 9:3 11:7 21:5 22:6 69:21 70:1 115:1 128:6 <b>name's</b> 7:12 <b>names</b> 20:20 68:17 69:20 129:19 <b>natural</b> 95:10 96:13,15 110:13 <b>naturally</b> 106:17 <b>nature</b> 15:1 67:12 77:16 180:11 218:7 <b>navigating</b> 71:6 <b>near</b> 118:3 <b>necessarily</b> 100:10 144:12 172:11
---	--	---	---

[necessary - offline]

Page 25

<p><b>necessary</b> 16:9 74:7 179:1 200:1 203:2 <b>necessitate</b> 209:6 <b>necessity</b> 172:12 <b>need</b> 9:18 27:18 44:4 48:12 55:3 74:8 84:9,9 86:2 94:3 107:18,20 113:7 123:12 145:13 162:16 175:19,20 188:19 192:5 193:6 207:13 219:5 <b>needed</b> 41:8,9 67:5 173:13 193:1 <b>needs</b> 25:4 162:16 <b>negative</b> 89:18 <b>neighbor</b> 145:8,15 160:8 <b> neighbored</b> 137:17 <b>neighborhood</b> 105:2,5 <b>neighborhoods</b> 104:18 <b>neighboring</b> 137:9 137:10 160:10 215:17 217:7,17 <b>neighbors</b> 142:11 200:19 <b>neither</b> 224:8 <b>nephew</b> 59:11 <b>never</b> 34:19,20 69:21 168:17 199:7,7 <b>new</b> 3:7,7 63:5 162:16,16 <b>newspapers</b> 37:13 112:8</p>	<p><b>newton</b> 63:3,16 64:11 158:11 <b>nexsen</b> 3:14 11:4,8 11:11 12:13,14,16 13:3 75:16 76:2 144:16 150:15 169:6,10,12 182:16 183:2 185:3 204:1 213:9 215:6 <b>nexsenpruet.com</b> 3:18 <b>night</b> 114:15 <b>nine</b> 63:12 <b>nodding</b> 9:17 <b>non</b> 14:10 51:15 69:8 <b>noon</b> 154:17 <b>normal</b> 54:13 <b>normally</b> 191:20 <b>notarial</b> 224:13 <b>notary</b> 2:14 224:1 224:20 <b>notebook</b> 212:2 <b>noted</b> 10:9 <b>notes</b> 136:3 <b>notice</b> 2:13 <b>noticing</b> 8:1 <b>notified</b> 145:2 <b>november</b> 141:13 148:13 151:18 153:19 154:14 155:3,16 156:12 163:18 179:8 185:5 186:15 187:18 192:13,15 194:2 197:20,21 199:17 216:8 <b>nuanced</b> 202:20 <b>number</b> 7:4,10 46:15 63:20 79:19</p>	<p>84:6 93:18 111:6 150:3,5 156:7,8 157:20 163:12 165:15,18,19 166:1,3 172:7 176:6 180:20 193:19 209:7,8 <b>numbering</b> 138:12 <b>numbers</b> 17:7 84:20 89:12 166:12 <b>numeral</b> 84:5 85:21 93:18 98:16 100:16 108:16 <b>numerals</b> 100:19 <b>nuts</b> 14:15</p>	<p>129:4 130:5,8 180:11 184:7 185:6 197:1,13 <b>occasion</b> 116:10 <b>occasionally</b> 51:9 60:19 <b>occasions</b> 91:17 137:9 143:8 208:10 <b>occupation</b> 104:3 104:8,15 <b>occur</b> 33:17 58:5 <b>occurred</b> 17:12 153:20 154:1,7 203:5 <b>occurs</b> 149:1,2 199:3 <b>october</b> 66:8 78:4 99:7 111:12 114:2 120:11 125:21 <b>offer</b> 129:8 133:17 146:19,21 147:2 186:5,7,9 <b>offered</b> 17:11 116:16 117:17 189:6 200:4,8 201:10 216:17 <b>offering</b> 92:1 <b>office</b> 14:14 59:10 59:11 131:4 <b>officer</b> 224:4 <b>offices</b> 23:4,7 <b>official</b> 20:5 25:5 26:20 27:11,15 37:20 43:2,13 45:5 49:17 52:14 107:6 <b>officials</b> 52:16 65:2 <b>offline</b> 172:1</p>
		<p><b>o</b></p>	
		<p><b>o</b> 5:1 7:1 <b>oath</b> 7:15 9:9 <b>object</b> 10:8 25:12 31:13 85:5 90:21 98:1 109:21 119:16 148:17 149:8 169:19 176:1,20 182:5 189:15 215:20 217:8 <b>objected</b> 53:6 <b>objection</b> 10:9 85:10 109:1 172:9 181:11 <b>objections</b> 7:20 <b>obligation</b> 172:7 172:11 <b>obligations</b> 169:3 169:18 <b>observing</b> 62:15 <b>obtained</b> 169:21 <b>obviously</b> 32:14 62:9 83:8 89:15 96:11 97:5 123:13</p>	

[offset - paragraph]

Page 26

<b>offset</b> 201:5 <b>oh</b> 70:13 113:5 <b>okay</b> 47:16 84:11 94:12 98:20 111:2 137:15 139:5 141:10 152:7,14 153:6 158:19 159:12 161:12 164:1 166:17,20 185:12 188:5,13 190:8 191:18 194:15 195:21 200:12 205:16,19 206:18 208:4 209:4 210:17 211:4,14 213:17 214:9 219:19 <b>old</b> 158:12 <b>older</b> 45:15 <b>once</b> 70:19 90:17 120:21 141:18 146:14 147:13,14 147:16 148:12 184:6 198:20 212:20 <b>one's</b> 123:18 <b>ones</b> 58:13 137:1 145:3 160:4 195:3 209:21 <b>online</b> 120:7 <b>open</b> 67:7 68:5 78:1 127:12 133:15 156:5 188:18 189:18 191:9 192:7 <b>opened</b> 154:18 186:1 <b>operate</b> 80:2 91:3 128:16 130:11 <b>operates</b> 192:2	<b>operational</b> 71:2 <b>opinion</b> 64:12,16 78:7 89:1 90:5,10 91:14 92:1 93:4 101:13 206:12 <b>opinions</b> 89:11 90:18 155:21 217:17 <b>opponent</b> 23:21 <b>opportunities</b> 136:2 147:21 186:7 188:3 199:19 <b>opportunity</b> 32:9 67:9 73:5 76:7 78:6 112:3 114:12 114:14,17 122:6 135:2 146:19 147:2 148:1 156:5 156:7,8 172:16,21 173:3,8,10 174:3,5 174:6,6,11 175:1 176:2,13 180:14 181:9,16 182:1,3 184:12 186:4 187:13 191:2,8 192:8 199:2 205:14 214:1,3,6 217:15 <b>oppose</b> 201:9 <b>opposed</b> 195:11 <b>opposition</b> 20:16 21:20 22:1 <b>option</b> 112:18 114:7 116:13 <b>options</b> 114:4,19 115:5,10 118:6 <b>oral</b> 117:3 121:21 185:6 <b>orally</b> 189:4	<b>orangeburg</b> 162:3 166:4 <b>order</b> 75:7 79:16 85:13 102:19 126:21 127:2,7 173:14 192:6 218:21 219:5 <b>organization</b> 17:10 43:11,15 <b>organizations</b> 42:17 58:19,21 <b>organizing</b> 143:2 <b>original</b> 156:16 180:14 <b>originally</b> 62:4 188:13 <b>outcome</b> 7:17 224:11 <b>outlined</b> 167:14 <b>outside</b> 15:8 17:3 23:4 29:3 40:20 42:1 43:2 45:4 50:9 54:13,20 58:17 77:7 83:9 123:1 127:19 133:1 143:19 144:2,2 165:3 178:15 200:4 <b>overall</b> 65:17 86:10 101:6 140:18 181:10 <b>overarching</b> 41:8 <b>overestimate</b> 177:2 <b>overlaps</b> 49:16 <b>overly</b> 155:9 <b>oversaw</b> 69:15 127:3 143:1 156:14 <b>overseeing</b> 127:4	<b>overview</b> 71:10 78:21 <p style="text-align: center;"><b>p</b></p> <b>p</b> 3:1,1 4:1,1 7:1 <b>p.m.</b> 111:3,6 113:17,19 116:18 154:17 193:16,19 219:21 220:2 <b>pace</b> 132:2 <b>page</b> 5:2,7 6:3,6 9:7 26:18 43:17 43:21 45:6 58:9 58:10 60:21 72:15 74:20 75:19 80:9 80:10,17,17 81:20 82:6,16 86:1 147:5 152:6 163:20,20 164:3,5 166:15,15 167:19 167:19 179:9 185:10,16 188:4 188:10 190:4,6 191:15,17 194:11 194:11,13 195:19 200:9,9 205:7,13 205:18 206:16 208:2,3 210:8,13 210:19,20 211:1 211:11,16 213:11 213:15 222:5 223:5 <b>pages</b> 139:2 194:5 <b>paired</b> 211:18 <b>pairing</b> 160:13 <b>pairings</b> 211:6,17 <b>pairs</b> 159:7 <b>panel's</b> 219:4 <b>paragraph</b> 75:2 84:7 94:12,20 96:21 109:14 139:2 140:20
---	---	---	--

<b>paragraphs</b> 93:20	208:19	88:12,16,19,21	<b>personally</b> 49:15
<b>paralegal</b> 51:8	<b>particularly</b>	92:2,3,8,10,10,11	<b>perspective</b> 35:18
<b>parameters</b>	122:14	92:12,18 93:1	40:17 120:20
145:13	<b>parties</b> 37:18	148:9 170:10	129:3
<b>part</b> 9:19 38:21	224:9	173:1 174:4,9,12	<b>pertaining</b> 58:16
40:19 55:13 63:19	<b>parts</b> 40:1 64:19	175:4,11 183:6	59:5 119:18
66:19 75:20 78:2	64:20 98:14,15	206:6,11,14	<b>phase</b> 141:17
78:19 95:20,21	133:8 142:18	<b>percentage</b> 37:17	143:17
97:1 99:5 103:16	143:4,15,16 159:8	37:18 85:14 91:18	<b>phases</b> 65:12
106:8 133:21	162:4,7	167:7 170:17	142:13,17
136:13 142:7,8,16	<b>party</b> 7:16 8:16	172:20 174:8	<b>philip</b> 138:1
144:9,12 150:4	18:21 20:9,10	<b>percentile</b> 22:14	<b>phone</b> 34:6 52:13
152:18 160:19,21	37:9,15,17,21	<b>perfect</b> 27:3 46:7	52:17,17,17 53:2,3
161:2,10 162:2	38:14 40:6,18	159:12	53:12,14 54:4
163:9,10 164:19	58:19 59:3 62:8	<b>perform</b> 56:4	55:2 56:2 60:4
164:20 165:1	<b>pass</b> 66:4	173:15 175:3,20	160:15,21
181:19 183:20	<b>passed</b> 18:4 22:13	182:12	<b>phrase</b> 9:20
187:6 201:2	26:1	<b>performed</b> 181:10	<b>physical</b> 115:11
<b>partially</b> 39:6	<b>passing</b> 66:3	183:6	116:14 118:17
<b>participants</b>	<b>path</b> 197:1	<b>period</b> 30:5 62:20	120:11
113:15	<b>patterns</b> 102:8,14	63:13 79:7 81:2	<b>physically</b> 117:14
<b>participate</b> 17:21	164:12,15,21	81:10 112:5 156:4	<b>picture</b> 32:13
32:9 40:16 64:12	165:4,7	165:13 176:12	<b>piece</b> 28:19 31:6,7
65:14 90:10 102:5	<b>pdf</b> 152:16	188:17 189:18	31:19 32:19 33:7
114:18 142:15	<b>pdfs</b> 74:15 94:3,6	<b>periods</b> 29:19	148:8 158:18,20
188:15	<b>pee</b> 96:18 161:20	<b>permissible</b> 92:17	191:21 192:3
<b>participated</b> 66:9	<b>people</b> 10:5 26:15	92:20 93:7 109:19	209:12
67:11 133:9 157:1	26:16 31:8,8	110:10	<b>pieced</b> 147:17
163:8	32:13,14 40:16	<b>person</b> 28:3 34:6	<b>pieces</b> 17:8 28:10
<b>participating</b>	44:13 65:14 78:16	56:10,10 60:2	29:6 183:21
101:12	105:1,4 112:2,2	71:3 86:17 106:3	202:19
<b>participation</b>	117:1,4 118:3	114:12,14 116:4	<b>piecing</b> 142:8
40:21 101:21	120:18 126:17	116:12 117:5	157:21 187:7
116:13 167:13	129:15 133:3	118:15,20 128:15	<b>place</b> 28:3 44:5
177:10 178:8	145:1 163:13	128:15,20 130:6	62:16 64:6 93:11
<b>particular</b> 25:16	165:1 166:13	198:11 206:1,12	121:1 127:13
29:7,8 33:21 39:2	187:5 189:2	<b>personal</b> 17:17	135:16 137:3
41:6 56:15 64:20	203:12	26:19 43:1,5,17,21	138:7 147:16
85:11 91:2 97:17	<b>percent</b> 86:11,12	44:2,6,8 50:2,5	<b>places</b> 63:12 66:18
103:11 114:15	86:21 87:1,2,3,7	51:3 52:17 53:12	118:2,3
170:7,8,9 177:5	87:11,14,14 88:12	56:2 79:8	

[plaintiff - preferred]

Page 28

<p><b>plaintiff</b> 46:20 48:16 71:17 82:14 138:13 <b>plaintiffs</b> 1:7 3:2 5:9,11 7:6 8:4,6 8:21 9:4 15:18 45:21,21 46:19 47:16 48:3,5,17 72:9 80:18 124:2 124:17 125:6,17 163:19 179:7 194:1 197:19 205:3,6 <b>plan</b> 47:19 49:3 95:7 97:4,6,12,20 98:2 109:8 141:19 141:20 143:20 144:6 145:2 147:11 156:8,11 156:17 157:12 159:13,15 164:8,9 167:10,14,21 168:5 172:8 177:8 180:12,15,21 181:1,4,6,7,9,21 182:2,2,17 183:17 184:13 186:2,3,5,7 186:9,13,18 187:9 187:21 189:14 196:2,8,15 197:4,8 198:13,13 202:10 204:12 211:8,21 211:21 212:18 213:2 214:5 215:7 216:5,7,14 <b>planned</b> 191:7 <b>plans</b> 96:2 97:1 108:18 109:12 121:18 167:18 168:4,10,11,11 179:12 180:4,9,10</p>	<p>180:15 181:3,15 182:15 183:1,15 184:16 189:14 199:15 212:3,21 213:1 <b>play</b> 182:8 <b>played</b> 115:19 <b>playing</b> 67:13 <b>pleadings</b> 13:20 14:18,20 15:9 <b>pleasant</b> 165:16 <b>please</b> 7:20 8:18 9:16 21:3 124:4 129:20 <b>plus</b> 86:12 87:10 87:14 88:17 206:11 <b>pod</b> 159:6 <b>point</b> 41:3 62:21 63:2 79:19,20 97:4,5,7,7 108:5 115:15 124:6,20 125:13 126:6 131:21 133:21 134:18 141:17 144:21 146:14 147:1 148:20 149:17 150:4 159:5 160:20 184:11 194:16,21 196:1,6,14 197:3,5 202:18 204:19 207:5,5,14,16 212:4,5 <b>pointed</b> 91:9 <b>points</b> 40:20 142:12 143:11 212:17 213:19 214:20 <b>polarized</b> 38:16 39:10,13,17 40:7</p>	<p>40:11 41:1,12 178:6,10 <b>policies</b> 6:5 28:6 138:11,19 <b>policy</b> 92:17,20 105:14 <b>political</b> 20:9 36:7 36:9,11 37:5,9 40:5 58:21 102:21 139:7,18 140:2 <b>politics</b> 30:19 <b>polls</b> 37:12 182:8 <b>pop</b> 48:13 56:14 74:11 141:19 <b>population</b> 22:18 33:19 86:4,10,20 87:5,8 88:16 89:13 91:19 92:8 92:19,21 93:7 95:17,18 96:11 97:6 98:14,15 106:1 107:17,21 108:8 126:17,21 129:10 132:1 134:19,21 135:1 135:12 140:14,15 140:18 148:3 158:7 161:19 162:7,9,15,19 163:14 164:16,18 164:20 165:3 166:11 171:14 172:12 173:14 175:15 176:9,12 176:14 206:6,8,10 216:3 <b>populations</b> 201:6 <b>portion</b> 15:5 16:14 88:14 96:14 109:17 139:21 158:17 166:7</p>	<p>216:21 <b>portions</b> 16:13 <b>position</b> 24:11 42:10,19 64:6,17 <b>possession</b> 122:4 <b>possibility</b> 61:20 <b>possible</b> 65:14 86:20 89:4 112:20 190:14 206:17 <b>post</b> 157:3 <b>posted</b> 121:8,9 149:18 156:12,15 156:18 159:16 179:17 <b>potential</b> 32:18 92:18 142:2 <b>potentially</b> 10:6 93:12,13 <b>practical</b> 66:10,12 67:12 188:16 199:1 <b>practically</b> 32:7 53:2 182:7 191:4 <b>practice</b> 33:20 76:12,13 110:5 168:19,21 <b>practiced</b> 42:8,8 <b>practitioner</b> 42:4 42:5 <b>pre</b> 29:20,21 61:8 120:3 <b>preceding</b> 180:3 <b>precinct</b> 105:10,18 212:12 <b>predominant</b> 109:13 <b>predominate</b> 109:18,20 110:9 <b>prefer</b> 82:2 <b>preferred</b> 173:4</p>
---	---	--	--



<p><b>preparation</b> 14:17</p> <p><b>prepare</b> 15:10 120:18 187:1,3</p> <p><b>prepared</b> 13:13 75:9 76:16 77:17 80:4</p> <p><b>present</b> 4:20 7:17 65:14 69:1 98:13 161:8 208:13</p> <p><b>presently</b> 171:14 171:15</p> <p><b>preserve</b> 136:9 174:21</p> <p><b>pretty</b> 48:9 54:11 61:12 80:10 95:9 98:10 99:1 107:14 115:18 132:3 136:13 158:6</p> <p><b>preview</b> 15:12</p> <p><b>previous</b> 97:12,15 97:16 98:6 172:8 175:11</p> <p><b>previously</b> 24:12 97:8 98:12 117:21</p> <p><b>primaries</b> 20:17</p> <p><b>primarily</b> 51:14 55:4 67:12 77:16 127:10 129:8 163:9 169:10,11 169:12 170:10</p> <p><b>primary</b> 10:5 20:18 21:17 23:21 50:20 51:1 54:18 57:11 59:16 60:2 65:10 67:4 69:4 88:3 118:15,19 135:11 144:1 211:6</p> <p><b>principle</b> 86:17 208:6,8</p>	<p><b>principles</b> 80:12 81:17</p> <p><b>print</b> 57:15 58:13 140:9,11 153:4</p> <p><b>printed</b> 58:3,8 140:1,6,10 141:8</p> <p><b>prior</b> 28:1 76:13 77:2 87:15,17 95:7 97:1,4,6 115:15 117:15,20 119:19 131:21 150:4 190:21 191:1,9 192:11</p> <p><b>priorities</b> 24:19 25:3 106:9</p> <p><b>prioritize</b> 87:13</p> <p><b>prioritized</b> 87:7</p> <p><b>probably</b> 18:13 36:4,16 50:21 55:13 58:11 59:21 60:4 63:8 77:10 90:15 116:20 117:2,6,7 123:6 133:15 139:13 145:8 167:4 183:2 195:2 199:20 201:5</p> <p><b>probe</b> 100:1</p> <p><b>problem</b> 73:18 89:16</p> <p><b>procedures</b> 6:5 127:7,9 130:3 138:11,19</p> <p><b>proceeding</b> 7:20</p> <p><b>proceedings</b> 5:12 71:18 224:4,6</p> <p><b>process</b> 5:15,17,19 13:1 16:3,7,8 32:9 35:20 36:5,10,11 39:15 40:17 41:17 44:11 51:5 54:9</p>	<p>55:11 57:20 58:12 59:5 60:2,18 61:9 61:18 64:3 65:12 66:4,15 67:16,17 68:9,10,20 69:3,12 69:18 70:17,19 71:8 77:3,8 78:1 79:10 81:12,13 83:10 87:19 88:1 89:2 90:9 97:16 105:7 106:21 119:20 124:1,15 125:9 126:19 127:8 132:6,11 133:5,13 134:6,12 135:2 136:21 138:5,7 141:11,12 142:5,16,18 143:1 144:14,18,21 146:7,14,17,21 147:3 148:20,21 149:2 150:2 155:13 156:20 158:2,10 159:12 161:19 164:9 167:14 171:10,16 181:19 184:12 187:6 190:2 192:17 195:18 196:13,14 199:1 202:14 209:15 213:1 214:18 217:12</p> <p><b>processes</b> 127:4 130:3</p> <p><b>produce</b> 49:10,12</p> <p><b>produced</b> 149:13</p> <p><b>product</b> 16:4 137:15 167:10 185:4</p>	<p><b>production</b> 45:21 46:20 47:16</p> <p><b>productions</b> 219:4</p> <p><b>products</b> 184:17</p> <p><b>professional</b> 17:17</p> <p><b>progress</b> 185:18 185:20 186:10</p> <p><b>promise</b> 43:15 169:15</p> <p><b>promotion</b> 92:17</p> <p><b>pronounce</b> 129:20</p> <p><b>properly</b> 168:8</p> <p><b>proportion</b> 107:17</p> <p><b>proposal</b> 26:7 146:15 147:8 183:16 197:4 208:13</p> <p><b>proposals</b> 212:6</p> <p><b>propose</b> 76:21 127:2 187:13,15 192:10,21</p> <p><b>proposed</b> 5:20 66:21 67:2 75:5,9 77:14 83:3,5,7,11 83:15 125:18 126:7 127:1 129:11 131:19 132:16 133:18 135:13 140:8,13 141:13 145:3,4,18 149:6 151:21 157:6 160:14 168:9 169:2 179:12 183:5,14 184:6 185:2 187:8 199:11,14 200:16 203:9 204:6 210:2 210:6 217:3</p> <p><b>proposing</b> 133:1 187:11 203:12</p>
--	---	---	---

[pros - range]

Page 30

<p><b>pros</b> 180:16,17  <b>protected</b> 33:4  <b>provable</b> 91:5  <b>prove</b> 89:17,18,19  <b>proven</b> 97:8  <b>provide</b> 10:10  13:21 27:18 32:19  44:12 47:10 48:20  68:12 70:7 87:3  114:13,17 116:4  122:9 131:18  155:6 172:21  182:3  <b>provided</b> 57:1  67:21 76:6 77:6  83:9 181:9 183:10  <b>providing</b> 32:4  129:1  <b>proximate</b> 86:20  <b>pruet</b> 11:4,8,11  12:13,14,16 13:3  75:16 76:2 144:16  150:15 169:6,10  169:12 182:16  183:2 185:3 204:1  213:9 215:6  <b>pruett</b> 3:14  <b>public</b> 2:14 27:12  35:20 36:18 41:3  41:13 45:10 58:19  65:15 66:8 67:9  67:20 69:2 77:11  77:14,18 78:2,3,5  78:7,12,16,20 79:3  83:9 88:6 90:5  99:6,13 111:10,19  112:3 114:1  117:16 118:6,12  119:5,9 121:13  123:21 124:14  125:8 145:18,21</p>	<p>146:1 147:21  151:11 155:1,18  156:4 164:10  167:17 168:10  179:15 186:3,11  186:15,16 187:18  187:21 188:17  189:10,12,13,17  189:18,20 191:6  191:11 192:16  197:12 198:17  199:2,4,11,19,19  204:16 207:1  214:16 216:7,9  224:1,20  <b>publicize</b> 45:9  67:2 112:8  <b>publicized</b> 66:21  148:13  <b>publicizing</b> 159:13  <b>publicly</b> 44:13  120:7 121:7,8,9  149:18 156:15  159:16 170:5  179:17 180:4  184:4 185:2,8  210:6 216:6  <b>publish</b> 67:1  <b>published</b> 121:16  151:18 157:12  159:15  <b>pull</b> 29:7 44:20  48:7 56:17 99:3  134:16 138:9,14  152:2 154:8,11  <b>pulled</b> 56:19  <b>pulling</b> 143:20  <b>pure</b> 38:21 45:11  <b>purpose</b> 12:19,20  83:10 134:11  190:9</p>	<p><b>purposes</b> 12:13  30:5 50:3,16 54:7  60:3 89:20 91:18  99:2 100:15  118:20 129:6  198:12 219:2  <b>pursuant</b> 2:13  <b>push</b> 184:1 193:6  <b>pushed</b> 24:21  <b>pushing</b> 60:18  <b>put</b> 11:15,21 35:8  57:21 64:5 103:18  108:10 112:10  116:2 129:14  151:5 162:15  184:15  <b>putting</b> 76:11  143:1 166:3 215:7  215:9  <b>puzzle</b> 148:8</p>	<p>73:10 76:16 82:1  82:8 83:12 84:8  98:19 100:20  110:16 123:15  125:5 126:10  145:4,7 147:6  154:9 158:20  190:3 205:3  214:11 218:14  219:7,11,13  <b>quick</b> 155:9,20  185:10 193:10  <b>quickly</b> 139:4  <b>quite</b> 44:3 54:4  80:12</p>
			<p><b>r</b></p>
		<p><b>q</b></p>	<p><b>r</b> 3:1 4:1,3 7:1  222:1,1 223:1,1  <b>race</b> 24:2 28:4  31:9 37:5,9,9,14  37:21 40:5,18  62:10 85:12 103:2  109:4,7,11,19  110:9  <b>racial</b> 22:11 32:11  32:14,18 33:4,10  84:13,16 85:3,9  140:1,5  <b>racially</b> 26:8 29:18  38:16 39:9,17  40:7,11 41:1,12  178:6,9  <b>racism</b> 25:6,11,20  <b>radar</b> 61:12  <b>raised</b> 122:9  <b>raising</b> 155:17  <b>ran</b> 21:16 22:2  23:8,16 30:21  50:14 160:19  <b>range</b> 86:10 87:3,7</p>
		<p><b>quantifiable</b>  157:19  <b>quantify</b> 158:8  <b>question</b> 9:18 10:1  10:2,9,19,20 13:10  19:18 21:15 36:13  39:8 40:10 43:4  44:17 53:7 56:16  80:15 83:14 98:5  112:4,20 113:4,21  123:4 139:13,15  167:1 180:19  191:19 196:3,21  201:19 217:20  218:9 219:15  <b>questioning</b> 39:6  <b>questions</b> 9:7,10  9:16 10:7,15  17:13 41:20 45:17  48:1 49:7 59:15</p>	

<b>rates</b> 177:10	<b>reasonable</b> 46:4	<b>receiving</b> 60:17	49:19 50:10 51:17
<b>reach</b> 51:2 65:2	87:3 88:2	76:9 91:8 124:20	51:21 52:2,8
<b>reached</b> 145:5	<b>reasons</b> 26:12	125:13 126:2	53:13,16 55:2,17
<b>reaching</b> 32:20	85:18 97:20 156:2	159:4	56:3,21 57:7,13,20
64:19	165:21	<b>recess</b> 46:13 111:4	58:16,17 60:6,8,12
<b>read</b> 15:19 27:11	<b>rebut</b> 213:20	193:17	61:1,5,6 63:9
79:14 80:19 84:7	<b>recall</b> 14:17 20:20	<b>recipe</b> 114:10	67:14 68:19,20
84:9 86:2,2,13	22:2 25:16 33:17	<b>recognize</b> 47:8	69:9,11,12,18 70:7
93:21 94:15	41:11,14,15 45:10	48:18,19 55:3	71:14,20 72:13
105:15 109:10	49:18 51:15,18,19	<b>recognizing</b> 60:15	73:9,13 77:3,4,8
141:1 153:3,3,14	52:10 55:1 59:7,9	163:11 210:15	80:12 81:20 82:11
164:7 166:10,21	62:21 64:11 69:10	<b>recollect</b> 195:12	82:13 83:14,15,18
167:2 168:2 179:9	69:13 70:15 72:12	<b>recollection</b> 22:8	84:1 87:17,19
180:5 188:10	72:14 76:9,17	33:2 54:20 78:2	88:7 92:6 94:18
190:5 194:12	79:2 83:20 84:3	92:14 112:17	96:2 99:10 100:1
205:17 209:9	88:5 90:2 91:8,10	124:5 179:20	101:17 102:13
210:21 221:5	91:10 92:7,9 93:6	188:11 210:2	106:21 108:18
<b>reading</b> 75:2	93:8 97:13 110:7	211:1,19	109:8,12 111:10
195:12 208:7	110:11 111:13,21	<b>recommendations</b>	111:19,20 112:7
<b>reads</b> 86:9 94:13	112:19 114:2	5:16,18 123:20	117:16 119:6,14
109:17	117:3 123:3	124:13 125:7	119:14 121:17
<b>ready</b> 64:18 187:3	125:12 126:6	<b>record</b> 7:3,19	122:1 123:2,16
<b>real</b> 66:16,16	133:10 134:5,8	46:10,12,15 65:17	124:1,15,16 125:9
139:4	136:14 138:5	72:19 84:10 86:3	125:10,20 127:20
<b>realize</b> 100:18	139:15 151:18	94:1 111:1,2,6	133:18 138:11,19
156:7	155:16,19 175:9	113:16,17,18,19	139:11 148:4,5,14
<b>really</b> 26:14 38:7	177:8,12,14	116:10 119:9	149:6,15 150:10
60:13 78:5,6 81:2	187:16 192:15	191:9 192:7	151:9 152:5
81:9 101:17,19	200:3,13 201:10	193:14,16,19	154:16 157:6,17
102:10 134:18	201:13 208:16	218:15 219:2,21	158:21 159:2,16
137:6 144:8,17	209:18 218:17	<b>recorded</b> 7:5	163:4 167:11
145:11,13 201:8	<b>receive</b> 184:6	219:20 220:1	168:10 169:3
218:9	189:9 204:4	<b>rector</b> 3:6	170:5,19 171:16
<b>reapportionment</b>	<b>received</b> 12:10	<b>redistrict</b> 81:9	173:12 174:15
52:2,9	34:8 57:21 73:15	<b>redistricting</b> 5:15	175:2,12 176:17
<b>reason</b> 10:14 39:9	75:6 79:15 112:14	5:17,19 6:4 12:20	177:9 178:9
102:4 108:12	117:4 121:17,20	13:1,5 15:16 17:3	179:12,14,17
110:8 191:10	161:4 168:9 175:7	35:18 36:6,8,10,15	180:7 183:4 184:4
200:21 201:9	185:6 190:12	36:16 39:15,16	187:17 189:12
210:18 222:5	192:17,17 212:20	40:8,13 41:2	191:5 192:14
223:5		44:11 45:9 49:17	202:10 206:7



<p>207:18 208:15  <b>reduced</b> 224:7  <b>reelection</b> 23:2  <b>refer</b> 47:15 48:17  49:7 94:20 128:14  140:5 156:11  167:2  <b>reference</b> 101:21  <b>referenced</b> 38:5  43:11,12 69:19  78:20 80:16 81:9  96:20 99:12 103:4  139:18 141:11  165:10 180:4  185:6 188:7  <b>references</b> 211:12  <b>referencing</b> 39:12  92:9 200:19  <b>referred</b> 116:6  138:18  <b>referring</b> 29:19  49:14 53:17 70:20  75:13 166:8 170:6  197:15 206:2  <b>reflecting</b> 140:1  <b>reforming</b> 28:13  <b>refrain</b> 9:17  <b>refresh</b> 13:19  48:13 72:2 82:16  124:5 211:1  <b>refreshes</b> 76:5  188:11  <b>regard</b> 29:1  <b>regarding</b> 12:10  19:4 206:8 218:6  <b>regardless</b> 28:4  31:9  <b>regards</b> 18:6  <b>region</b> 103:11  158:4 162:14  163:15 166:1</p>	<p><b>registered</b> 38:9,11  <b>regular</b> 59:12  <b>regularly</b> 60:7,8  <b>reichenbach</b> 24:1  <b>reichenbach's</b>  24:2  <b>relate</b> 95:3 119:15  <b>related</b> 7:15 13:20  26:18 45:17 49:10  49:12 51:16,21  55:16 56:2,21  57:20 73:10 78:10  91:9 92:6 97:16  119:13 131:5  138:3 169:5 186:3  190:2 211:2 224:8  <b>relating</b> 53:15  <b>relative</b> 86:11  <b>released</b> 89:11  90:20  <b>relevant</b> 55:16  58:15 106:19  164:13 165:18  166:8 219:6  <b>relied</b> 148:5 149:9  176:21  <b>religious</b> 102:5  <b>rely</b> 83:21 150:13  170:8 178:21  182:14  <b>relying</b> 150:3  <b>remake</b> 80:13  <b>remarks</b> 72:15  73:10 163:18  164:4 205:8  212:17  <b>remember</b> 12:12  12:15 13:17 19:3  22:6,7 26:3 28:13  28:21 29:1,2 45:6  52:12 54:8,12</p>	<p>56:5,13 57:16,18  59:2 62:19 69:20  70:1 76:18 77:19  78:12 79:12 97:17  100:8 107:3,4  112:12 124:6,7,20  124:21 126:1  130:4 135:15  137:20 141:4,20  145:6 151:7,11,13  151:14,20 153:19  153:20 156:1  157:3 158:1,16  160:17 161:1,17  165:13 169:4  179:5,18 181:13  181:14 183:11  186:19 188:1,13  189:16 192:19  195:1 200:6,6,17  201:17,19 209:9  211:8 212:11  214:5  <b>remembered</b> 57:3  <b>remembering</b>  200:7 214:4  <b>remote</b> 112:19  114:3,7,19 115:5  115:10 116:5,15  118:5  <b>remotely</b> 7:18  <b>removal</b> 26:6  <b>remove</b> 134:18  <b>removing</b> 26:10  <b>reopen</b> 219:6  <b>repeat</b> 9:18 13:2  21:3 40:10 113:21  <b>repeatedly</b> 122:12  <b>repetitive</b> 23:20  <b>rephrase</b> 97:19  99:20 137:3 138:6</p>	<p><b>replaced</b> 63:21  <b>report</b> 149:13  179:3 191:20  192:6 196:4  <b>reported</b> 1:21  89:12  <b>reporter</b> 2:14 7:13  8:18 9:14 10:6,10  11:5,9,20 12:6  35:1 53:4,8 113:7  113:10 135:18  161:6,12 169:11  169:13 177:20  178:3 202:3,6  224:1,3  <b>reporting</b> 205:6  <b>reports</b> 33:13  34:10 70:10,14  <b>represent</b> 20:7,12  33:19 63:16  136:19 200:20  <b>representation</b>  124:1,14 125:8  <b>representative</b>  8:14 9:2 10:3 11:3  13:9 15:2,13  17:15 19:7 20:11  22:11 24:4,18  26:20 29:9 34:9  37:4 42:19 43:6,8  46:17 53:11 59:19  62:12 63:16 72:12  73:11,15,21 74:20  82:4,15 101:2  106:20 110:17  111:8 113:21  124:3,18 125:11  126:1,14 127:15  138:14 144:5  152:9 153:11  154:18 158:11</p>
---	--	--	---

[representative - room]

Page 33

160:18,19 161:1 161:15 162:2 163:21 172:6 185:14 188:7 193:21 194:5 198:1 200:10,16 201:11,13,20,21 209:18 210:15 211:2,10 213:12 213:20 218:18 219:8 <b>representatives</b> 6:12 11:16 17:9 20:6 23:9 39:21 42:2 43:18 44:13 56:7 82:11 112:1 127:20 129:3 136:12 137:18 146:20 152:5 160:17 174:11 186:8 205:5 <b>represented</b> 11:2 64:19 105:10 126:20 134:3 158:13 <b>representing</b> 8:13 <b>republican</b> 20:10 20:17 59:3 62:8,9 <b>republicans</b> 38:10 <b>request</b> 5:9 45:21 46:20 47:16 48:4 58:2,14 <b>requested</b> 120:14 127:17 <b>requests</b> 41:12 <b>required</b> 151:9 <b>requirement</b> 149:11 170:21 171:4 <b>requires</b> 66:4	<b>research</b> 76:20 77:6 80:16 81:1 <b>researched</b> 107:5 <b>reserve</b> 74:3 <b>resolve</b> 107:10 108:1 146:6,7 157:18 215:18 217:16 <b>resolved</b> 151:8 154:3,6 <b>respect</b> 31:17 32:6 129:17 131:15 149:10 170:11 180:18 193:8 196:5 <b>respond</b> 112:15 <b>response</b> 45:20 46:19 48:3 210:15 <b>responses</b> 5:8,10 49:4 <b>responsibilities</b> 65:10 <b>responsibility</b> 66:20 132:9 <b>responsible</b> 12:16 67:16 127:4 143:2 198:11 <b>rest</b> 60:5 <b>rested</b> 117:2 <b>result</b> 78:9 162:8 176:14 <b>resume</b> 82:3 <b>retained</b> 12:12,19 <b>retaining</b> 12:16 <b>retention</b> 12:21 207:8,9,18 <b>retired</b> 60:1 <b>retirement</b> 151:1 <b>return</b> 222:4 223:4	<b>review</b> 15:5 47:10 51:20 57:18 58:5 58:14 72:19,20 73:6,21 77:4 80:3 80:7 82:4 86:4 93:20 98:18 119:9 119:13 120:3,5 122:6,7,16 124:4 124:18 125:12,21 137:1 139:4 149:17 155:2,6,18 159:17 183:10 184:8 189:3 191:16 195:19 200:11,15 204:21 206:16 208:2 209:2,2 210:9 213:13 <b>reviewed</b> 14:16 15:9 34:10 70:14 75:16 122:16,19 146:2 177:7 179:13 180:6 184:16 192:18 200:12 <b>reviewing</b> 92:6,7 123:7 124:6,20 125:13 126:2,6 140:13 155:12 183:12 211:19 <b>reviews</b> 75:15 <b>richland</b> 158:13 158:17 <b>rid</b> 169:14 <b>right</b> 12:8 19:10 21:12,15 28:17 43:18 48:5 63:2 65:6 72:11 73:18 75:3 77:18 84:12 87:10 94:7 104:14 104:17 110:14	115:4 119:1,5,7 135:3 153:5,7 167:6 181:2 196:2 197:16,19 204:13 218:19 219:17 <b>rights</b> 93:8 108:19 108:21 109:9,15 110:8 123:20 150:11 165:10,20 168:13,16 169:18 170:20 176:19 178:13,19 202:17 215:12 <b>river</b> 95:3 96:16 <b>rmg</b> 1:9 <b>road</b> 54:3 114:11 120:21 <b>rob</b> 4:11 8:7 171:21 <b>robby</b> 20:21 <b>robinson</b> 4:12 <b>robinsongray.com</b> 4:16 <b>roger</b> 138:2 <b>roland</b> 69:1 <b>role</b> 20:14 67:13 67:15 128:13 130:2 131:9 132:21 144:6 198:5 <b>roles</b> 24:5,12 198:7 <b>rolled</b> 216:10 <b>roman</b> 84:5 85:21 93:18 98:16 100:16,19 108:16 <b>room</b> 6:4 7:18 9:3 14:3,8,10 56:16 66:1 67:7 68:2,4 69:3 70:19 71:1,5 71:11 123:9,10,13
---	---	--	--

[room - sentence]

Page 34

126:11,14,15,19 127:4,5,7,8,12,15 127:16,21 128:13 128:15 129:1 130:3,4 131:5,7,10 131:11,16 132:7 132:15,17,19,21 133:12,14 134:6 134:13 135:9 136:15 137:17 138:5,7,11,20 139:15 141:12,18 142:2,18 147:7 151:3 155:13 157:14 159:11 160:2 186:2,19 214:14,20 215:2 218:1,3 <b>rotary</b> 42:14 <b>rough</b> 76:6 <b>roughly</b> 22:20 <b>routinely</b> 33:7 <b>rtyson</b> 4:16 <b>rules</b> 9:6 199:4 <b>run</b> 20:18 23:4 128:1 <b>rural</b> 208:6,11,17	164:18,19 206:14 207:6 <b>says</b> 74:21 92:16 95:4 96:15 108:17 140:1,5 154:3 166:7,19 185:13 205:21 <b>sc</b> 45:1 138:12 <b>scenario</b> 64:5 100:11 <b>schedule</b> 60:14 66:7 118:1 <b>schedules</b> 54:16 <b>scheduling</b> 50:4 50:16 51:6,11,14 51:15 54:8,20 60:3 68:6 190:10 191:1 <b>school</b> 19:17,21 20:1,2 130:13 <b>schools</b> 26:21 27:8 27:13 <b>scope</b> 13:3 51:4 55:21 56:1 178:15 <b>screen</b> 48:13 55:5 55:5,8,8 58:6 112:21 126:16 134:16 152:15 153:7 154:8 <b>screenshot</b> 152:4 <b>scroll</b> 164:2 166:15 185:10 188:9 <b>se</b> 49:8 <b>seal</b> 224:13 <b>sean</b> 34:15 <b>search</b> 52:1,5,9 55:16,20 56:4,9,10 56:12,15 <b>season</b> 37:12	<b>seat</b> 63:21 65:7 <b>sebastian</b> 131:2 <b>second</b> 14:6 20:3 21:21 37:1 47:1 86:8 92:16 94:12 96:21 109:17 140:19 154:2 165:7 187:18 188:20 189:1 194:10 208:1 213:14 <b>secondly</b> 50:2 <b>section</b> 39:20 40:16 95:5,16,18 96:10 168:15 169:2,18 176:18 <b>see</b> 12:3 13:8 22:5 25:14 37:7,12 43:17 47:2 48:6 52:3 55:3 56:1,14 56:21 63:18 65:3 74:21 76:7 81:3 84:14 97:14 107:14 111:8 112:21 113:3,11 113:12 119:2,12 122:6 124:4,19 125:12 126:1,16 126:18,19 139:8 140:3,14 143:11 152:7,15,20 153:2 153:2 160:11 162:8 163:21 164:3 166:18 167:21 171:11,12 171:12 176:10 180:16 185:13,18 188:6,6,8 193:9 197:15 198:1 200:10 202:21 205:14 211:12	217:2 <b>seek</b> 13:5 33:21 34:4 39:16 78:3 191:6 <b>seen</b> 26:8 35:19 37:11 47:9 128:5 128:6 159:18,21 198:20 199:7 <b>segregate</b> 107:1 <b>segregated</b> 26:21 27:8,13 <b>segregation</b> 29:20 29:21 <b>selected</b> 61:11,21 62:17,18 <b>senate</b> 8:8 23:11 23:15,17 26:2 36:12 79:10 117:18,21 118:5 118:10,11 121:16 206:7 219:16 <b>send</b> 74:14 156:5 <b>sense</b> 39:5 55:6 66:12 73:20 74:1 89:14 91:2,3,5,6 91:17 99:14 100:14 101:6 104:6,11 110:19 118:4 129:13 135:7 142:2 145:14 160:2 173:2 186:10 193:10 201:8 <b>sent</b> 57:19 112:10 123:15 124:15 125:9,19 165:15 218:19,20 <b>sentence</b> 80:20 84:12 86:8 92:16 96:20 105:9 108:17 139:6,8,21
<b>s</b>			
<b>s</b> 3:1,3 4:1 5:1,5 6:1 7:1 222:1 223:1 <b>s.c.</b> 5:15,17,19 <b>safe</b> 19:13 <b>sarah</b> 129:21 <b>save</b> 135:4,5,5 140:9 <b>saved</b> 141:14 <b>saw</b> 157:13 159:15 160:11 <b>saying</b> 107:3 141:5 160:16 161:6,8			

140:19 152:21 153:15 154:2 166:18 167:1,20 179:11 <b>sentences</b> 84:8 <b>separate</b> 42:19 84:18 217:20 <b>september</b> 66:8 78:4 99:7 111:11 111:18 112:6 120:11 125:11 <b>served</b> 20:14 43:13 <b>session</b> 29:6 54:13 <b>sessions</b> 116:16 <b>set</b> 48:1 49:7 59:15 66:7 81:21 110:16 115:10 128:16 147:5 163:3 188:14 214:9 216:9,11 224:12 <b>sets</b> 73:7 <b>setting</b> 200:2 <b>seven</b> 32:21 33:9 180:3,8 183:1 184:16 185:2 <b>sex</b> 28:4 40:5,19 62:10 <b>shaking</b> 9:17 <b>shape</b> 181:5 <b>share</b> 46:1 48:6 78:15 94:5 123:18 137:15 138:10 152:15 153:7 154:8 170:5 <b>shared</b> 73:12 121:7 123:1 196:15 216:6,7 <b>sharp</b> 83:13 <b>sharpen</b> 98:4 218:9	<b>she'll</b> 119:2 <b>sheet</b> 221:8 <b>shifted</b> 176:12 <b>shooting</b> 21:11 <b>short</b> 46:13 165:13 193:17 <b>shorthand</b> 2:14 47:15 48:17 61:1 61:2 156:10 224:1 <b>show</b> 50:4 51:7 99:17 102:4 113:14 134:14 180:17 205:8 <b>showed</b> 165:11 <b>shows</b> 113:14 <b>shrunk</b> 162:19 <b>side</b> 87:9 107:16 118:12,14 119:6 <b>sign</b> 134:14 189:6 <b>signature</b> 221:14 222:21 223:21 224:19 <b>signed</b> 134:12 188:15,21 189:8 221:8 <b>significance</b> 165:19,20 166:5 <b>signing</b> 132:6 <b>similar</b> 48:1 55:19 56:1,4,11 62:20 87:4 116:19 161:4 <b>simple</b> 52:1 <b>simply</b> 129:6 <b>simultaneously</b> 143:13 <b>single</b> 85:11,16 174:19 <b>sir</b> 10:4 <b>sit</b> 42:17 43:2 93:13 130:8,9 134:15 143:10	<b>site</b> 153:7 165:12 <b>sits</b> 26:2 96:12 <b>sitting</b> 136:14 <b>situation</b> 26:9 86:20 105:3 <b>situations</b> 92:13 151:12 <b>six</b> 135:6 <b>skill</b> 128:16 139:14 <b>slide</b> 165:11 <b>slight</b> 47:14 <b>slightly</b> 181:18 <b>small</b> 107:14 131:21 153:3 158:18 204:8 208:17 <b>smaller</b> 208:6,11 209:6 <b>smooth</b> 159:9 <b>social</b> 44:17,18 45:13 102:15 112:8 <b>software</b> 139:11 140:15,16 <b>solely</b> 129:2 <b>solo</b> 42:4,5 <b>somebody</b> 57:19 <b>somewhat</b> 79:7 <b>soon</b> 195:14 <b>sophisticated</b> 45:13 142:14 <b>sorry</b> 11:5 21:3,10 35:1 70:11 85:6 100:17 135:18 161:6 169:11 170:13 171:20 172:1 173:16 177:20 202:3 210:11	<b>sort</b> 17:19 22:6 24:20 43:6 61:17 66:2 68:21 71:2,9 75:15 76:6,14 78:20 83:9 85:2 89:18 101:12 106:17 107:17 108:5 112:13 114:13 128:14 129:5 130:6 133:5 134:2 141:16,17 142:12,13 143:4,7 143:10 159:9 160:6 167:14 176:7 180:15 212:4 <b>sorts</b> 34:8 <b>sought</b> 11:13 189:12 <b>sound</b> 97:9 <b>sounded</b> 161:8 <b>sounds</b> 46:10 93:10 161:7 <b>south</b> 1:2,5,14 2:4 3:16 4:6,14 7:7,9 11:16 13:6 16:15 19:8 23:11 25:6,7 25:11,21 26:12,14 27:1,2,8,17 28:2,3 28:7,9,14 29:10,12 29:13 30:1,9 31:8 32:14 35:5,21 37:6,15,21 38:10 38:12 39:10,21 41:18 43:9 45:1 64:20 71:18 73:12 82:10 86:13,19 89:12 90:19 91:13 103:11 124:1,14 125:8 126:8,17 132:2 152:5
---	---	---	---

[south - staying]

Page 36

154:14 162:3 164:12,14,20 165:6 168:6 171:15 174:11 210:2,6 222:2 223:2 <b>southcarolinaho...</b> 57:7 <b>southern</b> 169:15 <b>space</b> 68:3 <b>speak</b> 31:17 58:19 59:1 66:5 81:18 82:4 114:11 115:19 129:18 137:11 143:8 146:2 157:4 166:6 173:19 174:18,20 189:5 198:16 200:19 208:12 <b>speaker</b> 8:16 11:21 12:5 59:19 60:14 61:19 62:12 75:19,20 140:21 144:10,11 210:14 210:14 <b>speaking</b> 53:2 191:4 198:13 203:5 215:16 219:3 <b>special</b> 23:18 <b>specific</b> 17:7 31:19 32:19 99:18 104:5 104:16 124:3 145:6 146:13 <b>specifically</b> 30:13 31:18 32:7 59:13 76:17 86:21 91:11 97:17 107:4 109:3 119:20 120:6 156:4 212:6	<b>specifics</b> 27:19 29:2,8 68:12 151:14 <b>spectrum</b> 104:5,16 166:5 <b>speculate</b> 93:2 <b>speculating</b> 102:3 <b>speculation</b> 38:21 45:11 133:14 <b>speed</b> 64:18 <b>spells</b> 95:9 <b>spend</b> 54:2 132:15 <b>spike</b> 66:16 <b>spikes</b> 4:18 7:12 <b>splits</b> 209:7,8 212:10,12 <b>splitting</b> 84:21 209:10,12 <b>spoke</b> 41:6 59:21 60:4 61:18 69:21 90:9 189:8 <b>spoken</b> 68:16 215:10 217:4 <b>sponsor</b> 25:13,15 <b>sponsored</b> 25:10 25:16 <b>sponsorship</b> 25:14 <b>spot</b> 65:7 <b>spread</b> 66:18 118:2 <b>spring</b> 12:15 <b>squarely</b> 151:5 <b>squeamish</b> 79:7 <b>staff</b> 50:3 55:12 58:18 66:21 68:16 68:18,19 69:8 71:7 75:12 118:18 122:8,13 127:10 127:20 128:2 141:19,19 143:13 143:21 146:15	147:9,10 148:14 149:10 156:16 159:19 167:14 176:8 179:20 180:14 181:7 182:14 183:17 184:5,8,13 186:17 196:2 197:4 213:3 213:8 215:5 216:12 <b>stage</b> 155:11 157:21 186:11 215:15 <b>stamp</b> 73:16 138:12 <b>standard</b> 76:12,13 86:5 87:8,13,16 88:6 92:19,21 93:7 98:9 129:9 135:6,12 206:1,8 206:11,12,15 <b>standing</b> 60:7,9 <b>standpoint</b> 91:19 91:21 188:16 <b>star</b> 152:21 153:2 <b>start</b> 81:3 87:15 127:9 132:1 201:19 <b>started</b> 133:21 154:17 <b>starting</b> 97:4,5,7,7 133:21 135:15 141:17 150:4 207:5,5,14,16 <b>state</b> 1:5 2:15 7:7 7:18,21 8:10 16:16 17:5 25:8 26:6,11,16 35:21 38:14 40:2 41:4 41:18 52:20 54:10 63:13,20 66:13	79:15 81:4 92:17 92:20 95:19 98:14 98:15 99:4 103:11 105:14 114:13 116:4 117:17 122:12 126:7,8 133:8,9 143:6 144:12 145:12 158:4 159:8 160:19,21 161:2 161:11,20 162:2,5 162:21 163:10,16 168:7,10 177:10 180:3,9 181:1,6,8 182:4,17 185:16 186:1 210:3 211:13,18 212:17 213:21 216:1 222:2 223:2 224:21 <b>stated</b> 191:20 <b>statement</b> 79:14 173:6 <b>statements</b> 37:5,7 90:2,13 93:6,9 106:21 110:7 <b>states</b> 1:1 7:9 23:9 81:4 140:20 168:6 <b>statewide</b> 62:3 64:3,21 107:18 153:1 <b>stations</b> 130:5 <b>statistical</b> 38:2 94:14 95:13 96:5 <b>statistically</b> 37:16 <b>statistics</b> 39:11 <b>status</b> 145:2 157:7 <b>stayed</b> 18:8 <b>staying</b> 36:6 195:19
--	---	--	--

[stenographically - talked]

Page 37

<b>stenographically</b> 224:6	<b>submissions</b> 122:19 189:20	<b>sure</b> 21:10 27:6 32:8 33:8 47:18	<b>table</b> 146:4 156:8 182:15
<b>step</b> 147:16,18,19 196:13,19	192:18	50:4 51:7,13	<b>tabulation</b> 105:11
<b>stepp</b> 4:12	<b>submit</b> 120:16	53:14 59:12 60:15	<b>take</b> 10:17 41:9
<b>steps</b> 91:12 100:1 149:20 190:3	188:18 191:11	65:13 66:1,11	42:10 46:4 72:20
<b>stick</b> 215:4	<b>submitted</b> 121:4,5	67:3,18,20 68:1,5	74:5,11 82:15
<b>stop</b> 203:2,4	122:17 145:21	68:7,9,14 71:9,15	84:6,9 86:2 91:12
<b>stops</b> 41:18	179:13,16 180:5	75:18 76:15 77:8	98:18 100:1 104:7
<b>storage</b> 122:21	181:4 184:4,6	100:18 101:1	105:1 110:12,21
<b>stored</b> 121:3 184:21	212:21	106:4 107:12,12	120:17 121:1
<b>straightforward</b> 80:10	<b>submitting</b> 5:20	108:5,7 111:1	124:18 125:11,21
<b>strands</b> 99:3	125:18	118:1 127:12	127:13 138:7
<b>street</b> 3:6,15 4:5 4:13	<b>subsection</b> 86:1	133:2,4 135:8	142:9 147:19
<b>strength</b> 84:14,17 85:4,9	88:15 96:14	146:4 147:4	153:14 156:2
<b>stretch</b> 110:4	<b>subsequent</b> 189:14	148:10 151:4	165:9 176:17
<b>stroke</b> 202:20	<b>substance</b> 14:2	153:9 154:10	190:11 191:16
<b>strokes</b> 111:11	48:21 200:6	158:3 164:2	193:4,9,10 196:18
<b>structure</b> 37:17 39:19 71:3	<b>subways</b> 21:13	169:20 178:8	200:11 213:13
<b>struggle</b> 162:14	<b>sufficient</b> 80:7	179:1 182:19	<b>taken</b> 7:6 14:15
<b>studied</b> 32:17	105:1 155:6	192:20 193:3	29:12 46:13 111:4
<b>studies</b> 91:9	<b>suggestions</b> 80:4	199:8 209:4	152:4 180:15
<b>study</b> 33:3,6 183:13	<b>suite</b> 3:15 4:5	210:19 211:9	193:17 224:6
<b>stuff</b> 74:5 143:18	<b>summarize</b> 213:5	214:9,12,19	<b>takes</b> 95:18
<b>sub</b> 142:17	<b>summarizing</b> 198:12	215:12	<b>talk</b> 9:7 13:12 19:5
<b>subcommittee</b> 17:1 24:9,10	<b>summary</b> 122:10	<b>surgeons</b> 168:20	20:3,4 24:17
28:11 61:15,17	183:3	<b>surprise</b> 96:3	59:12 60:20 61:9
115:2 192:2 198:9	<b>summer</b> 12:15	<b>surrounding</b> 175:16	71:11,13 75:4
198:21 199:2	<b>sumter</b> 158:16	<b>swear</b> 8:18	84:4 111:9 118:8
203:16,19	<b>supervision</b> 224:8	<b>swiftly</b> 155:8	136:20 137:18
<b>submission</b> 99:15	<b>supplemented</b> 83:18	<b>switch</b> 201:5	166:12 180:2
120:4 192:8	<b>supplementing</b> 47:19 49:3	<b>sworn</b> 8:19	192:15 200:17
	<b>supported</b> 200:13	<b>synthesis</b> 99:16	208:17
	201:13	<b>synthesize</b> 122:8	<b>talked</b> 31:4 34:20
	<b>suppose</b> 11:15	122:13	62:2 87:21 95:1
	17:2 32:5 36:9	<b>system</b> 159:6	103:15 106:7
	67:3 198:19	162:12	111:11,17 116:20
	<b>supposed</b> 50:5	<b>t</b>	117:10 129:9
	51:7,8	<b>t</b> 5:1,1,5 6:1 222:1 222:1 223:1,1	147:6 148:3
			156:21 157:17
			158:11 163:4
			177:7 178:5,6



[talked - think]

Page 38

196:10 204:15 206:3 207:4 208:15 209:1 212:20 213:8 214:10,13 217:21 <b>talking</b> 10:5 31:18 55:4,18 61:3 101:10 111:21 114:1 146:9 156:16 159:1,2 173:9 199:13,14 200:10 207:3,9 209:10 212:17 213:18 <b>talks</b> 45:14 <b>target</b> 15:20 115:16,19 <b>task</b> 189:9 <b>tasks</b> 50:17 <b>technical</b> 24:10 50:14 67:21 114:9 128:15,20 129:2 130:6 136:6 139:14 153:17 <b>technically</b> 11:17 45:12 79:21 102:7 142:14 198:8 <b>technician</b> 134:15 <b>technicians</b> 71:5 <b>technological</b> 115:9 <b>technology</b> 116:1 116:19 <b>telephone</b> 3:8,17 4:7,15 <b>telephonically</b> 2:13 <b>tell</b> 17:7 31:19 32:20 72:6 78:7 93:3,4,10 110:3 123:6 126:13	129:4 139:12 185:17 201:7 202:19 203:16,19 <b>telling</b> 129:17 <b>temple</b> 42:15 <b>ten</b> 38:6 41:17 81:2,10,12 88:12 88:16,19 92:3,8,10 92:12,18 134:1 <b>tend</b> 25:14 34:5 38:14 39:1,3 <b>tends</b> 51:8 78:12 <b>tension</b> 108:3 <b>term</b> 16:2 20:15 22:1 26:5 33:10 33:12 35:6 36:7 36:14 38:17 39:4 61:14 170:12 172:15 177:17 <b>terms</b> 20:14 21:20 32:21 33:9 36:17 40:12 52:1,8,9 55:20 56:9,10,12 104:1,11 181:9 199:1 214:18 <b>terry</b> 138:2 <b>test</b> 108:6 <b>testified</b> 17:10 18:3,3,5 19:2,3 36:1 62:11 90:4 103:12 155:10 187:16 206:4 209:5 <b>testifies</b> 8:20 <b>testify</b> 36:1 114:4 174:2 191:8 <b>testifying</b> 9:9,9 36:19 209:11 <b>testimonies</b> 214:16 <b>testimony</b> 17:11 28:8 29:1 41:4,11	57:19 63:1 78:10 79:15 90:2 91:4,8 91:10 99:6,20 112:19 114:3,7,19 115:5,15 119:9 120:13,16 121:2 121:13,21 131:21 132:18 151:12 155:16 182:16 185:7,7 186:15 189:17,20 221:5,7 <b>testing</b> 182:11 <b>text</b> 54:5,6 56:1,6 56:13,20 218:10 218:17 <b>textbook</b> 38:18 <b>texting</b> 56:21 <b>texts</b> 56:5 57:1 <b>thank</b> 8:17 46:11 53:8 74:17 94:9 94:10 161:12 169:13 172:2 178:3 185:17 202:6 219:8 <b>thanks</b> 11:9 <b>that'd</b> 66:5 139:12 193:12 <b>themes</b> 122:9 <b>theory</b> 150:7 187:6 192:10 <b>thing</b> 10:18 55:6 61:3 88:10 91:11 93:11 95:6 101:12 110:11 117:8 122:12 129:5 134:18 141:6,19 141:20 143:16 208:14 209:10 <b>things</b> 12:3 14:21 24:21 25:1 29:17 37:13 40:19 50:4	51:2,6,13 52:2 54:17 56:14 60:3 60:19 62:15 65:20 67:15 75:14 77:5 78:14 81:14 88:9 91:1 97:16 99:2 105:21 112:15 116:2 137:12 163:1 164:17 165:17 169:21 181:16 182:7,14 183:9 203:3 204:17 218:7 219:16 <b>think</b> 12:8 14:20 16:2 21:14 27:2,4 27:4 28:16 32:3 33:5 35:11 38:1,6 39:13 42:9 44:18 45:6,16 46:1 48:9 48:12 50:14 53:1 54:1 56:18,18 57:3 59:1,12,14 60:21 62:21 63:5 63:11 64:12 65:17 69:4 70:3 74:1 75:3 76:16,18 77:13,16 78:21 80:6,6,9,14,19 82:7 83:11 85:21 90:15 91:19 94:3 95:4,9,15 97:3 99:1 102:10 103:10,21 104:4 104:14,15,17,20 106:2,10 109:10 109:14 110:12,18 110:20 112:10,13 114:19 115:16,19 116:9,21 117:1,6 118:14 120:15
--	--	--	--

[think - transitioned]

Page 39

121:9,11 122:10 123:11 128:4 131:12 132:3 136:5 137:20 139:6 141:12,18 143:4 144:7,11 145:7,11 147:21 149:1 150:1,2,3 155:9,21 156:3 157:3 159:12 160:21 163:9 164:16 167:5,12 169:10 171:20 172:10 173:20 175:15 177:3 179:6,21 180:12 184:12 185:4 187:16,20 189:8 191:7 192:18 193:2 198:20 199:6,6,10,13,18 201:18 202:1 203:10,11 204:19 206:15 207:3,3,13 208:9,21 212:19 218:13,14 <b>thinking</b> 42:21 43:1 160:18 207:20 <b>third</b> 21:21 48:5 58:19 84:12 86:7 125:4 <b>thomas</b> 1:9 7:8 34:18 70:2 128:6 130:5 134:16 142:13 222:3 223:3 <b>thoroughly</b> 101:19 <b>thought</b> 78:8 79:6 93:4 114:8 192:10	<b>thread</b> 217:21 <b>three</b> 14:9 21:9,15 42:9 63:13 69:4 81:8,20 82:6 84:8 124:11 130:5 132:5 214:11 <b>threshold</b> 174:16 <b>tier</b> 141:11 142:1,5 143:17 147:7,7,11 148:12 151:16 155:10 186:13 196:11,11 202:13 214:14,18,20 215:2 216:6,16,20 <b>tiered</b> 133:5 136:21 158:1 162:12 <b>tiers</b> 196:10 214:10,13 <b>time</b> 7:21 10:17 12:1 14:5,6 17:9 17:16,20 19:3 23:13 24:13 25:13 26:14 29:19 30:5 33:5 34:3,9 41:17 42:11 44:3 46:4 54:2 60:17,19 61:14 62:20 64:6 64:14 65:21 67:5 67:6,8,12 68:4 72:20 73:2,19 74:12 79:19,20 80:7,13 81:16 87:21 93:11 103:8 105:3 106:18 110:18 112:5,14 115:6 117:19 120:18 126:18 130:8 132:3,4,15 134:14 140:17 141:21 147:1,20	155:6,18 156:6 157:12 160:5,20 162:1 165:13 176:12 187:19 188:1 189:3 190:14 193:3,6 199:17 204:7 206:19 208:5 212:7 215:3 <b>timeliness</b> 64:2 <b>timely</b> 89:5 <b>times</b> 25:4 32:17 33:12 36:4 54:8 66:15 69:1 77:19 79:7 90:8 105:6 108:2 115:6,7 132:5,15 134:4 142:9 144:15 206:3 <b>title</b> 50:14 128:18 <b>titled</b> 45:19 46:18 71:18 84:6 93:19 124:13 125:7 152:3 <b>titles</b> 131:12 198:7 <b>tjh</b> 1:9 <b>today</b> 7:13 8:8 10:6,15 11:2 13:10 14:17 30:12 31:5 42:1 72:19 75:4 92:11 99:2 190:5 206:4 214:14 <b>today's</b> 9:5 13:13 14:12 15:10 17:14 219:19 <b>told</b> 41:10 <b>tom</b> 71:1 <b>ton</b> 132:19 <b>tool</b> 114:20	<b>top</b> 30:12 52:12 108:17 146:12 151:13 152:1 165:5 176:7 <b>topic</b> 90:16 91:16 <b>total</b> 86:4 87:8,10 88:16 89:12 92:8 92:18,21 135:12 139:12 206:6,8,10 <b>totally</b> 46:8 <b>touches</b> 158:16 <b>tough</b> 55:2 108:9 <b>tour</b> 64:3 115:18 117:19 151:3 <b>tradition</b> 35:6,10 35:14,16 <b>traditional</b> 197:1 197:2 <b>traditions</b> 35:7,9 35:17 36:3 <b>tragedy</b> 26:13,18 <b>train</b> 161:19 <b>transcribed</b> 205:5 <b>transcribing</b> 9:14 <b>transcript</b> 5:6 6:2 6:7,8,10 15:5,6 47:6 48:11 71:20 72:5 82:21 124:9 125:2,16 126:5 138:17 152:13 154:13,15,21 194:2,9 197:20,20 198:4 205:12 211:19 212:1,8 224:5 <b>transcription</b> 205:4 221:6 <b>transcripts</b> 73:8 122:1 <b>transitioned</b> 65:21 196:4
---	---	---	--



[translates - usually]

Page 40

<b>translates</b> 45:13 <b>translating</b> 87:1 <b>transmitted</b> 196:19 204:12 <b>transparency</b> 123:21 124:13 125:7 <b>travel</b> 190:19 191:3 <b>tree</b> 78:11 <b>tremendous</b> 26:13 <b>trende</b> 34:15 <b>trial</b> 18:19 19:4 <b>tried</b> 13:19 56:5 118:1 <b>true</b> 59:19 221:6 <b>trust</b> 18:4,5,6,8,10 212:1 <b>trusting</b> 212:8 <b>truthfully</b> 9:10 <b>try</b> 9:16 12:3 31:6 32:12 45:18 63:9 85:12 114:10 134:21 147:4 <b>trying</b> 50:13 54:14 63:5,18 65:13 66:1,10,11,13 71:8 86:18 89:3 102:18 106:2,3 136:9 144:20 155:7 157:18 158:20 177:1 214:4 <b>tsg</b> 205:5 <b>tune</b> 142:12 <b>tuning</b> 143:14 145:14 <b>turn</b> 12:3 15:12 25:8 26:17 72:15 75:3 98:16 100:16 139:1 151:16 154:12 155:9	167:19 197:18 205:7 <b>turnout</b> 101:14,18 <b>twitter</b> 44:18 <b>two</b> 11:19 12:9 20:19 22:6 24:14 42:9 48:14 49:21 52:11 56:13 63:13 81:7,8 86:12 87:1 87:9,10 100:12 111:13 113:15 128:3 132:4 142:13,17 143:4,9 150:5 156:8 159:7 159:11 160:15 176:13 187:20 188:14 190:10,21 191:1,12 192:11 193:4,13 200:5 213:6 214:11 <b>twofold</b> 109:2 <b>type</b> 53:1 59:4 92:13 104:13 159:20 161:4 192:17 <b>types</b> 15:17 50:17 78:13 <b>typewriting</b> 224:7 <b>typically</b> 166:12 199:3 203:14,17 203:20 <b>tyson</b> 4:11 8:7,7 9:19 94:3,8,10 172:1	<b>unable</b> 10:14 117:5 <b>unavoidable</b> 105:6 <b>unconstitutionally</b> 109:18 <b>undercount</b> 90:3,6 90:19 91:5,9,13 <b>underlying</b> 15:15 16:8 86:17 104:21 105:21 106:2 <b>understand</b> 9:12 9:18 10:12,15 15:17,20 25:11,20 37:14 39:4 55:21 61:2 68:15 90:13 92:19 108:20 126:11 171:18 172:18 173:21 176:18 207:7 214:10 <b>understanding</b> 12:1 15:14,21 16:11 18:16 30:4 30:8 38:4,13 70:16 99:6 128:21 145:9 161:14 164:4 168:15 169:2,17 170:4,20 171:2,6,19 172:6 173:13 174:20 175:18 178:12 195:18 218:16 <b>understatement</b> 77:10 <b>understood</b> 10:2 11:6 <b>undertake</b> 149:20 <b>unfortunately</b> 72:8 107:12 <b>unhappy</b> 160:16 161:18	<b>unintentional</b> 85:18 <b>unintentionally</b> 85:19 <b>unit</b> 7:4 46:15 111:6 193:19 <b>united</b> 1:1 7:8 23:8 81:4 168:5 <b>unnecessarily</b> 73:2 <b>unopposed</b> 21:17 <b>unrolled</b> 187:21 <b>unsophisticated</b> 128:17 <b>unsuccessfully</b> 23:8,10 <b>unusual</b> 203:13 <b>update</b> 157:8 <b>updated</b> 44:4 <b>updates</b> 159:3 <b>upheld</b> 87:16 <b>upload</b> 45:18 73:20 74:4,14 82:3,7 <b>uploaded</b> 46:6 71:16 73:4 123:17 153:18 185:7 <b>uploading</b> 73:18 <b>upstate</b> 96:16 <b>use</b> 45:8 49:20 51:3 52:16,18 54:18 61:2 73:2 88:6,20 91:18 112:12 115:5 150:2 156:10 207:14 <b>useful</b> 114:20 <b>usually</b> 114:10 128:12
	<b>u</b>		
	<b>u.s.</b> 123:19 <b>ultimately</b> 17:21 66:2,4 87:20 88:12 93:15 108:12 116:10,21 162:13 217:13,14		

[v - week]

Page 41

<p><b>v</b></p> <p><b>v</b> 1:8 222:3 223:3</p> <p><b>varies</b> 35:11</p> <p><b>variety</b> 99:2 187:5</p> <p><b>various</b> 13:20 14:20 16:21 28:10 28:11 43:14 193:7</p> <p><b>vary</b> 180:11</p> <p><b>vehicle</b> 112:13</p> <p><b>venue</b> 119:2</p> <p><b>venues</b> 66:13</p> <p><b>verbiage</b> 167:6</p> <p><b>verify</b> 51:9 91:14</p> <p><b>veritext</b> 7:12,14 46:5 72:2 123:17</p> <p><b>version</b> 135:4 136:6 181:16 184:1,14</p> <p><b>versions</b> 137:14 162:21</p> <p><b>versus</b> 7:8 30:1 93:17 181:1 183:14 206:14</p> <p><b>vi</b> 93:18</p> <p><b>viable</b> 88:2,20 89:6,7 207:15 213:21</p> <p><b>video</b> 3:3,12 4:3 7:3,5 46:15 111:6 113:2,6,12 154:13 193:19 194:2 197:20 219:20,20 220:1</p> <p><b>videoconference</b> 1:13 2:1</p> <p><b>videographer</b> 4:18 7:2,13 8:17 10:7 46:12,14 111:2,5 113:17,19 193:16 193:18 219:19</p>	<p><b>view</b> 113:8 171:17</p> <p><b>viewpoint</b> 40:21</p> <p><b>vii</b> 98:16</p> <p><b>viii</b> 100:17</p> <p><b>visible</b> 152:8</p> <p><b>visit</b> 132:16</p> <p><b>vital</b> 68:7</p> <p><b>voice</b> 189:3 208:12 209:15,16</p> <p><b>voiced</b> 27:12 28:6</p> <p><b>voices</b> 34:5 40:4</p> <p><b>volunteer</b> 65:6</p> <p><b>vote</b> 25:15 26:10 38:14 39:1,3 86:18 93:14,15 101:11,11 102:2,6 105:1 106:3 165:2 206:1,13</p> <p><b>voted</b> 25:19 26:3,7 33:8 202:10 216:17</p> <p><b>voters</b> 38:10,11 39:1,2 173:3,9,15 174:4 175:4 177:10,13 181:4,9 182:2,3,12 183:7 210:6 211:7,21 214:1</p> <p><b>votes</b> 204:12</p> <p><b>voting</b> 29:15 30:10 32:1,3 33:14 34:1 38:16 39:10,17 40:8,12 41:1,12 84:14,17,19 85:4,9 85:13 90:10 93:8 101:2,7,8,12 102:1 102:6,8,8,13,14,14 102:20 105:11 108:19,21 109:8 109:15 110:8 123:20 140:14</p>	<p>150:11 164:12,15 164:21 165:4,7 168:13,16 169:18 170:20 173:14 174:19 176:18 177:16,18,21 178:6,10,13,19 202:17 215:11</p> <p><b>w</b></p> <p><b>waiting</b> 60:16</p> <p><b>walk</b> 134:9</p> <p><b>wallace</b> 1:13 2:2 5:2,7 6:3 7:5 8:19 45:20 46:19 48:3 220:1 221:4</p> <p><b>wallacejordan2</b> 50:7</p> <p><b>want</b> 13:12 15:12 19:5 20:4 25:7 28:2 46:6,8 68:15 68:18 71:13 72:15 72:20 73:2,2,18 78:7 81:7 84:4 93:18 104:20 108:7 110:15 111:9 118:21 126:10 135:4,8 139:3 140:9 141:5 141:5 153:14 154:9 163:20 164:2 166:14 167:19 169:20 174:1 179:6 190:19 200:11 205:20 206:16 209:2 210:21 211:9 214:12</p> <p><b>wanted</b> 83:13 110:3 154:11 165:21 186:20 187:1,3 188:18</p>	<p>193:2,2,5,9 197:14 210:19 217:10,11</p> <p><b>wanting</b> 190:13</p> <p><b>watching</b> 62:15</p> <p><b>water</b> 46:9 96:16</p> <p><b>way</b> 11:21 32:3 38:7,19 68:6 77:18 81:5 84:18 88:18 89:9,17,18 102:10 104:7 106:4 109:19 117:8,8 136:4 141:4 144:18 157:13 168:3 181:5 188:4 191:7 192:8 199:9 207:6 214:18 215:4</p> <p><b>ways</b> 96:1,5 128:10 134:3 160:12 181:13</p> <p><b>we've</b> 27:4 57:4 60:20 68:16 99:12 103:9 147:6 148:3 156:21 193:12 196:10 204:15,17 214:10,21 215:10 216:6,10 217:4 218:21</p> <p><b>weaken</b> 205:21</p> <p><b>weakened</b> 206:12 206:15</p> <p><b>wearing</b> 150:21</p> <p><b>web</b> 43:21</p> <p><b>website</b> 6:6 67:20 72:1 79:1 112:10 121:12 154:16</p> <p><b>wednesday</b> 1:15 7:3</p> <p><b>week</b> 13:18 35:15 63:13 75:6 79:16 79:18 80:6 141:13</p>
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[week - zoom]

Page 42

191:9 <b>weeks</b> 13:19 52:6 <b>weigh</b> 67:10 76:7 78:13 156:5 195:17 199:11 216:9 <b>weight</b> 105:13,19 <b>weird</b> 113:5 <b>welcome</b> 66:19 <b>wells</b> 3:13 8:12 73:21 74:15 94:8 <b>went</b> 9:3 18:2,12 18:14 46:17 57:12 69:20 77:17 117:13 118:9 119:1 183:17 186:1 <b>whatever's</b> 93:21 <b>whatnot</b> 66:17 <b>wheel</b> 80:13 <b>wheeler</b> 200:10,16 200:17 <b>whereof</b> 224:12 <b>white</b> 38:13 39:2 <b>wholesale</b> 202:20 <b>wife</b> 63:4 <b>williamson</b> 129:21 <b>wilson</b> 22:5,10 <b>winds</b> 26:18 <b>wise</b> 107:17 172:20 <b>wish</b> 57:17 108:11 <b>withdraw</b> 63:4 <b>withdrew</b> 63:1 <b>witness</b> 8:18 11:8 25:13 31:14 35:2 85:6,11 91:1 98:2 109:2 110:1 113:3 119:17 135:20 148:18 149:9 152:17 161:10	169:12,14 172:10 176:2,21 178:2 181:12 182:6 189:16 202:5 215:21 217:9 224:12 <b>women</b> 181:4 210:5 211:7,21 <b>wondering</b> 47:8 126:13 <b>woodard</b> 34:13 <b>word</b> 39:13 40:14 65:6 88:20 <b>words</b> 81:8,8 <b>work</b> 10:3 16:20 17:5 35:5 41:1 42:1 45:9 49:17 49:19 51:4 52:13 54:16 58:17 63:9 73:19 92:3,4 93:17 107:6 129:16 137:15 142:10 145:7 152:16 153:11 160:11 184:17 185:17,20 186:10 188:15 217:10,16 218:7 <b>worked</b> 66:2 77:7 80:16 92:3 98:12 146:10 159:12 167:5 217:6,9 <b>working</b> 6:6 54:15 132:3 141:16 142:6 143:1,20 145:1,12,19 147:8 147:10,15 148:12 151:17 152:3 164:8,9 167:21 168:5 196:8 215:6 215:7 216:5,13	219:1 <b>works</b> 10:21 59:11 92:3 156:11 193:11 <b>workstation</b> 52:20 <b>worldwide</b> 205:6 <b>worried</b> 32:8 <b>worries</b> 172:3 <b>writing</b> 120:19 <b>written</b> 57:19 58:11 117:3 120:13,16 121:2,7 121:13,17,20 122:2 184:15,21 185:6,7 218:11 <b>wrong</b> 129:20 170:13 214:13 <b>x</b> <b>x</b> 5:5 6:1 <b>y</b> <b>yeah</b> 46:7 48:12 74:13 107:15 110:20 <b>year</b> 23:2,10 81:2 81:10,12 <b>years</b> 18:18 19:4 19:15 28:8,20 32:7,21 33:9 38:6 42:6,9 134:1 <b>yep</b> 14:16 128:3 194:10 196:6 202:8 <b>yesterday</b> 21:11 152:4 219:1 <b>york</b> 3:7,7 63:19 <b>z</b> <b>zoom</b> 7:11 152:6 152:11
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Maryland Rules of Procedure  
Title 2, Chapter 400, Rule 2-415

(D) Signature and Changes

Unless changes and signing are waived by the deponent and the parties, the officer shall submit the transcript to the deponent, accompanied by a notice in substantially the following form:

[Caption of case], NOTICE TO [name of deponent].

The enclosed transcript of your deposition in the above-captioned case is submitted to you on [date of submission of the transcript to the deponent] for your signature and any corrections or other changes you wish to make. All corrections and other changes will become part of your sworn testimony. After you have read the transcript, sign it and, if you are making changes, attach to the transcript a separate correction sheet stating the changes and the reason why each change is being made. Return the signed transcript and any correction sheet to [name and address of officer before whom the deposition was taken] no later than 30 days after the date stated above. If you fail to return the signed transcript and any correction sheet within the time allowed, the transcript may be used

As if signed by you. See Rules 2-415 and 2-501 of the Maryland Rules of Procedure.

Within 30 days after the date the officer mails or otherwise submits the transcript to the Deponent, the deponent shall (1) sign the transcript and (2) note any changes to the form or substance of the testimony in the transcript on a separate correction sheet, stating the reason why each change is being made. The officer promptly shall serve a copy of the correction sheet on the parties and attach the correction sheet to the transcript. The changes contained on the correction sheet become part of the transcript. If the deponent does not timely sign the transcript, the officer shall sign the transcript, certifying the date that the transcript was submitted to the deponent with the notice required by this section and that the transcript was not signed and returned within the time allowed. The transcript may then be used as if signed by the deponent, unless the court finds, on a motion to suppress under section (i) (j) of this Rule, that the reason for the failure to sign requires rejection of all or part of the transcript.

(I) Further Deposition Upon Substantive Changes to Transcript

If a correction sheet contains substantive changes, any party may serve notice of a further deposition of the deponent limited to the subject matter of the substantive changes made by the deponent unless the court, on motion of a party pursuant to Rule 2-403, enters a protective order precluding the further deposition.

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